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THE

MISCELLANEOUS WORKS OF Mr. J. J. ROUSSEAU.

VOLUME IV.

LONDON:
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ADVER-

ADVERTISEMENT.

I Am ſenſible it is now out of ſeaſon to take up a ſubject, which hath already been too much agitated, and is almoſt forgotten. My preſent ſtate of health, which does not permit me to engage in a work of any length, and my averſion to polemical diſputes, have hitherto prevented my writing, and cauſed my reluctance to publiſh. I ſhould even have ſuppreſſed theſe Letters entirely, or rather I ſhould never have written them, did they relate only to myſelf. But my country is not become ſo indifferent to me, as to permit me tranquilly to ſee her citizens oppreſſed; eſpecially when they ſuffer oppreſſion for having intereſted themſelves in my behalf. I ſhould be the moſt contemptible of mankind, if, on ſuch an occaſion, I ſhould be influenced by a ſentiment, which would be neither candour nor patience, but weakneſs and cowardice in him whom it ſhould prevent from diſcharging his duty.

Nothing, I confeſs, can be leſs important to the publick than the ſubject of the following Letters. The conſtitution of a petty republick, the fate of a private perſon, the expoſing of a few acts of injuſtice, the refutation of a few ſophiſms; all this has in itſelf nothing conſiderable enough to merit the attention of the majority of readers. But if my ſubjects are inſignificant, the objects I have in view, are great, and well worth the attention of every honeſt man. Geneva may be what it will, and Rouſſeau may ſupport his ſtate of depreſſion as he can; but the cauſe of religion, of liberty, and of juſtice! Reader, whoever thou art, theſe are objects by no means undeſerving your notice.

It must not be expected that the dryness of the subject is compensated for, in these Letters, by the graces of stile. The criticks, who have been formerly so highly offended by some lucky strokes of my pen, will here find sufficient reason to be satisfied. The honour of defending oppressed innocence would have warmed my heart had I written in behalf of another; but reduced to the melancholy task of defending myself, it was necessary for me to confine myself to simple argument. To have displayed any heat in my own cause, would only have been debasing myself. In this I shall doubtless find favour in the eyes of those, who imagine it essential to the truth, that it should be spoken with coldness and indifference: an opinion, however, for which I cannot see a sufficient reason. When we are animated by a lively persuasion of the truth of a thing, how is it possible to express it in the frigid language of insensibility? When Archimedes ran naked through the streets of Syracuse, transported with his famous discovery, was that discovery less true because he was so enraptured with it? Quite the contrary.

He who is favoured with the sight of truth cannot fail to admire her beauties; and it is certain, that those who remain indifferent about her, have never beheld her charms.

Be this, however, as it may, I desire my readers to set aside all considerations of stile, and to examine only the validity of my arguments. For, after all, I do not see the justice of concluding, that, because a writer expresses his sentiments in good language, he does not know what he says.

LETTERS

LETTERS

WRITTEN FROM

THE MOUNTAINS.

LETTER THE FIRST.

NO, Sir, I cannot blame you for not joining with thoſe Remonſtrators, who publickly eſpouſed my cauſe. I was, indeed, ſo far from approving their proceedings, that I prevailed on my own relations to deſiſt. My advocates were ſilent when they ſhould have ſpoken, and have ſpoken when they ſhould have remained ſilent. I foreſaw the inutility of their remonſtrances, as well as the conſequences of them: I apprehended their inevitable effects muſt either diſturb the publick tranquillity, or alter the conſtitution of the ſtate. The event hath too fully juſtified theſe apprehenſions; and you ſee yourſelves reduced to the alternative I feared. The preſent criſis of your affairs requires you to enter into deliberations of which I am no longer the object. From what has been already

done, you ask me what you ought to do: you consider that the effect of these proceedings, being relative to the whole body of citizens, will no less affect those who were in no wise personally concerned in them, than such as were. Hence, whatever might be their different opinion about them at first, their common interest ought now to unite them. Your rights and privileges being attacked, must remain no longer in doubt: they must either be acknowledged or annulled; their very evidence putting them in danger. It is by no means proper to face the lightning during the storm, but at present the fire is absolutely set to the house.

Although my particular interests are no longer concerned, my honour necessarily makes me a party in this affair. This you know, and yet ask my advice as a neutral person; you conceive that I shall not be blinded by prejudice, nor be unjust through partiality. I hope so too; but in such delicate circumstances, how difficult is it to answer for one's self. I perceive it is impossible to forget myself in treating of a quarrel, of which I myself am the subject, and my particular misfortunes were the original cause. What then shall I do, sir, to answer your confidence, and to justify your esteem for me, as far as it is possible? It is this. In a just diffidence of myself, I shall rather lay down my reasons than give you my advice. Do you weigh them, compare and judge for yourself. Do even more: Be always distrustful, not of my intentions: these, God knows, are pure; but of my judgment. The most

moſt upright man in the world, when he is perſonally injured, ſeldom ſees things in their true light. You may be aſſured I would not deceive you, but I may poſſibly deceive myſelf: this I am liable to, in every thing, and in this caſe more likely than in any other. Be therefore on your guard, and unleſs I give you ten reaſons admit but of one.

Such, ſir, is the precaution you ought to take on your ſide; and the following is what I will take on my own. I ſhall begin by ſpeaking to you of myſelf, of my grievances, and of the ſevere proceedings of your magiſtrates againſt me. When I have once done this, my heart will be more at eaſe, I ſhall have unburthened it of a weight, which I ſhall then forget, with every thing relative to myſelf. I will then ſpeak to you of your own ſituation; that is to ſay, that of the Republic. And I think I ſhall not be too preſumptuous, in hoping, by means of this arrangement, to diſcuſs equitably the queſtion you propoſe to me.

I have been inſulted in a manner by ſo much the more cruel, as I flattered myſelf to have ſome merit with reſpect to my country. If my conduct ſtood in need of any favour, I had reaſon to hope it would have been granted me. And yet my books have been precipitately condemned, without examination, without citation, and with an officiouſneſs of zeal beyond example. Nay, more, a decree hath been iſſued againſt my perſon with the like zeal and precipitation, without regard to my misfortunes, my ſituation, my health; without ſhewing me the ſame regard as is had even for com-

mon felons. Nor have my perſecutors been more juſt than indulgent, as I ſhall endeavour to ſhew you. Pray, be not frightened at the length, to which I ſhall be obliged to extend theſe letters. Such a multiplicity of ſubjects preſent themſelves, that I would willingly be as ſparing of words as poſſible: but, do what we can, ſir, it is impoſſible to reaſon without them.

Let us begin by collecting the motives which have been given for this proceeding; not thoſe contained in the Requeſt, or in the Arret, carried on in ſecret, and reſting concealed in darkneſs *; but thoſe contained in the anſwers of the Council to the remonſtrances of the citizens and inhabitants, or rather in the Letters written from the Country; a work which ſerves as the manifeſto of my perſecutors, and in which alone they condeſcend to offer any reaſon for their proceedings.

"My books, ſay they, are impious and ſcandalous, full of blaſphemies and calumnies againſt religion. Under the appearance of doubts, the author hath collected together every thing that may tend to ſap, ſubvert, and de-

* My relations deſired, by formal petition, a copy of the ſaid Arret. The anſwer to their Requeſt was as follows:

June 25, 1762. *Council in ordinary, regarding the matter of the preſent Petition; Ordered that there is no occaſion to favour the petitioners, in the matter of their Requeſt.* LULLIN.

The Arret of the Parliament of Paris was printed as ſoon as paſſed. Can we conceive that to be a free ſtate, in which ſuch decrees againſt the reputation and freedom of its citizens are thus concealed?

ſtroy

ſtroy the revealed principles of the Chriſtian religion.

" They directly attack all civil government.

" They are by ſo much the more dangerous and reprehenſible, in that they are written in French, in the moſt ſeductive ſtyle, and appear under the name and quality of a Citizen of Geneva; and in that, according to the intention of the author, his Emilius is to ſerve as a guide to parents and preceptors in the education of youth.

" In condemning theſe books, it was impoſſible for the council not to take ſome notice of the perſon who was preſumed to be the author."

With regard to the decree iſſued againſt me, " it is not, ſay they, either a judgment or a ſentence, but only a ſimple proviſional appointment, which leaves entirely to themſelves my exceptions and defence; and which in the caſe foreſeen ſerves as preparatory to the proceedings preſcribed by the edicts and by the eccleſiaſtical ordinances."

To this the Remonſtrators, without entering into an examination of the pretence, objected, " that the Council had proceeded to judgment without having obſerved the requiſite preliminary formalities; that the article LXXXVIII of the Eccleſiaſtical Ordinances was violated by ſuch judgment: that the proceedings carried on in 1562, againſt John Morelli, clearly proved the legal cuſtom, and afforded a precedent which they ought not to have neglected: that this new method of proceeding was even contrary to that rule of natural law, which is

adopted by all nations; and according to which no perſon can be condemned without being heard in his own defence: that it is impoſſible to cenſure a book without cenſuring the author whoſe name it bears: that no one can tell what exceptions and defence an author may have to make, who is declared impious, blaſphemous, and ſcandalous in his writings, and after ſentence paſſed and executed on the ſame writings; for as paper and print are not ſuſceptible of infamy, that which reſults from the burning of a book by the hands of the common hangman muſt neceſſarily rebound on its author. From all which it follows, that a citizen cannot lawfully be diveſted of what is moſt dear and valuable to him, his honour; that he cannot be lawfully deprived of his reputation or his fortune, without being firſt heard in defence of himſelf: that the works thus condemned and ſtigmatized, merit at leaſt as much countenance and toleration as many other writings, containing ſevere ſatires on religion; and which have nevertheleſs been diſperſed and even printed in the ſame city: that, finally, with reſpect to civil government, it hath always been permitted in Geneva, to reaſon freely on matters of government in general; that no book of the kind hath ever been prohibited, nor any author puniſhed for having treated this ſubject, whatever may have been his ſentiments concerning it; and that, ſo far from attacking the government of the Genevan Republick in particular, I have never let ſlip an opportunity of beſtowing commendation on it."

To

To these objections it was answered, on the part of the Council, "that the condemnation of a book, after its being read and sufficiently examined, is not a breach of that rule which requires no one to be condemned unheard: that article LXXXVIII of the Ordinances is applicable only to men who broach particular tenets, and not to a book destructive of the Christian religion in general: that it is not true that the censure of a book necessarily includes that of the author, who may perhaps have only been incapable or imprudent; that with regard to the toleration, or printing, of scandalous writings in Geneva, it is not reasonable to pretend, that, because a government may have sometimes neglected these things, it should always do so: that besides, those books which only turn religion into ridicule, are not near so dangerous as those which openly attack it by argument. That, in fine, what the Council owes to the support of the Christian religion in its genuine purity, to the public good, to the laws, and to the honour of government, having induced it to pass the sentence in question; the same motives do not permit them either to change or mitigate it.

These are not all the reasons, objections, and answers, which have been alledged on both sides; but they are the principal, and suffice to establish, with regard to myself, both the matter of fact and of right.

As the object, however, thus represented, may appear as yet a little vague and uncertain, I will endeavour to lay it down with greater precision, lest you should place my defence to

that part of it, on which I would by no means rely.

I am a man and have written books; I have, of courſe, therefore, fallen into many errors *. I am myſelf able to perceive a conſiderable number; I doubt not alſo that others ſee many more, and that there are ſtill many beſides, which are neither ſeen by myſelf nor by others. If nothing more had been ſaid againſt me than this, I ſhould readily ſubſcribe to it. But where is the author who is not, or can flatter himſelf he is not, in the ſame circumſtances? On this head there is no room for diſpute. If I am anſwered, and my anſwerer be in the right, I kiſs the rod of correction, and am ſilent. If I am anſwered, and the anſwerer be in the wrong, I am ſtill ſilent. Am I to account for the miſtakes of others? In every ſtate of the caſe, the publick, after having heard both parties, is the judge; let that pronounce ſentence; according to which the book will live or die, and the proceſs is at an end.

The errors of writers are often very indifferent; but there are alſo ſome that are hurtful, even contrary to the intention of the perſon who commits them. A man may ſometimes be miſtaken, to the prejudice of the publick

* I will except, if you will, books of Geometry and their authors. And yet, tho' there may be no errors in the propoſitions themſelves, who will aſſure us there is none in the order of deduction, in the choice of materials or method? Euclid demonſtrates and attains his end; but what a way does he take? How does he not wander in his route? In vain may the ſcience be infallible, while it is cultivated by fallible man it will be ſubject to error.

as well as himself; one may sometimes do injury to others very innocently. Our controversies on subjects of jurisprudence, morality, and religion, fall frequently under this predicament. One of the disputants must necessarily be in an error, and an error in a matter of great importance becomes always a fault; tho' it be not punishable when it is presumed to be involuntary. A man is not blameable for doing another an injury by endeavouring to serve him: and if an author is to suffer a criminal prosecution for faults of ignorance or inadvertency; or for the pernicious maxims which may be drawn from his writings, contrary to his intentions; what writer would be secure from such prosecutions? A man ought to be inspired by the Holy Ghost, before he commences author, and his readers ought to be inspired also, to enable them to judge of his writings.

If such faults only as these were imputed to me, I should defend myself no otherwise than as against the imputation of simple errors. I cannot deny that I have committed such errors, because I am no angel: but then the faults said to be found in my writings, may in reality not be in them; because those who pretend to discover them are no more angels than myself. Being mere men, and, like me, subject to error, on what authority do they pretend their judgment is to govern mine, and that I ought to be punished, because I do not think just as they do.

The public is the only judge of faults of this kind; and its censure is their only lawful punishment. From the jurisdiction of this court

none ought, and with regard to myſelf I ſhall not preſume, to appeal. It is true, if the magiſtrate ſhould conceive ſuch errors hurtful to ſociety, he may prohibit the diſperſion of the book containing them: but I again repeat it, he ought not to puniſh the writer, who may have been guilty of them; as this would be to puniſh him for a fault that may poſſibly be involuntary, and the deſign only of an evil action is what merits puniſhment. So that this hath nothing to do in the preſent caſe.

There is a wide difference, however, between a book which contains hurtful errors and a book abſolutely pernicious. A ſyſtem of eſtabliſhed principles, a continued chain of argument, and conſequences formally deduced, plainly manifeſt the deſign of the author; and this intention, being dependent on the will, comes under the juriſdiction of the laws. If this intention is evidently bad, it is no longer an error, or involuntary fault; it is a wilful crime; and the nature of the caſe is totally changed. The queſtion is no longer about a mere literary diſpute, which the publick will of courſe decide properly; but of a criminal proceeding, which ought to come before the civil tribunals, and be treated according to the rigour of the law. Such is the critical ſituation in which I am placed by the magiſtrates, who ſay they have acted juſtly, and by zealous writers, who pretend they have acted with too much clemency. No ſooner do they threaten me with impriſonment and puniſhments, than every perſon who accuſes me becomes an informer; he knows that he attacks not only the author

but

but the man, and that what he is writing, may poſſibly have an influence on my fate *: it is no longer my literary reputation merely that he attacks, but my perſonal honour, my liberty, my life.

This brings us back, at once, to the ſtate of the preſent queſtion, which I think the publick have miſunderſtood. If I have written any thing juſtly reprehenſible, let me be cenſured; let my book be ſuppreſſed. But I ſhould have done more, to give them a right to ſtigmatize my work, and to proceed againſt my perſon; an involuntary fault is not ſufficient; I ſhould have been found guilty of a wilful crime: it ſhould have been proved that I had written a pernicious book, with a bad deſign: and this not in the manner in which one author proves that another is miſtaken, but as an accuſer

* On the firſt appearance of a celebrated performance, ſome years ago, I reſolved to attack the principles contained in it, becauſe I thought them dangerous to the community. I had juſt finiſhed my remarks when I learned that the author was under legal proſecution; on which I threw my performance into the fire, concluding, that no moral obligation could juſtify the meanneſs of joining the cry of the multitude to oppreſs a man of probity. When the ſtorm was blown over, however, I took an opportunity of publiſhing my ſentiments on the ſame ſubject, in other writings: but I have done this without mentioning either the author or his book. This reſpect I thought due to the author's misfortunes, as much as to the eſteem I ever had for his perſon. Not that I conceive this way of thinking peculiar to myſelf: it is doubtleſs common to all perſons of honour and worth. When an affair is treated as criminal, they ought to be ſilent; at leaſt unleſs they are called upon as legal witneſſes.

ought to convict the accuſed in the preſence of a legal tribunal. Before I had been treated as a malefactor, I ought to have been convicted of being ſuch. This is the firſt point that ſhould have come under examination. The ſecond point, ſuppoſing the fact proved, ſhould have been to aſcertain the nature of it, the place where it was committed, the tribunal which ought to judge of it, the law that condemns it, and the puniſhment inflicted. Theſe two queſtions once reſolved, would decide whether I have been treated juſtly or not.

To know whether I have written pernicious books, it is neceſſary to examine the principles contained in them, and to enquire what would be the conſequence if ſuch principles were admitted. As I have treated a variety of matters, I ſhall confine myſelf to thoſe, on account of which I am proſecuted; to wit, Religion and Government. To begin with the firſt, after the example of my judges, who have not as yet explained themſelves with regard to the ſecond.

In Emilius, I have inſerted the profeſſion of faith of a Roman Catholic Prieſt, and in Eloiſa, that of a female devotée. Theſe two pieces are ſo conſiſtent, that the one may be explained by the other; from which conſiſtency it may with great probability be preſumed, that if the author of the books containing them doth not abſolutely adopt every particular of both, he is at leaſt ſtrongly inclined that way. Of theſe two profeſſions of faith, the firſt being the moſt extenſive, and that only which hath afforded the

the grounds of my profecution, comes naturally firft under conſideration.

To anſwer the purpoſe of ſuch an enquiry, another explanation is neceſſary. For it is to be remarked, that, to explain and diſtinguiſh the propoſitions which perplex and confound my accuſers, is in fact to anſwer them. As they diſpute againſt the force of evidence, when the queſtion is properly ſtated they are of courſe refuted.

I diſtinguiſh two parts in religion, beſides the form of worſhip, which is merely ceremonial. Theſe two parts are faith and morals. I again divide the matter of faith into two parts; viz. that which, laying down the principles of our duty, ſerves as the foundation of practical morality; and that which, being purely the object of belief, contains only ſuch tenets as are merely ſpeculative.

From this diviſion, which ſeems to me an accurate one, reſults that of religious ſentiments; on the one hand, true, falſe, or doubtful; and on the other, good, bad, or indifferent.

It belongs to reaſon alone to paſs judgment on the former; and if the divines have claimed this office, it is in quality of reaſoners, of profeſſors of a ſcience by which we arrive at the knowledge of what is true or falſe in matters of faith. If an error in this part of religion be hurtful, it is only ſo to the perſon who lies under ſuch error, and is prejudicial only with reſpect to the world to come, and lies not within the juriſdiction of any human tribunal. If they at any time take cognizance of ſuch matters,

it

it is not as judges of what is true or falſe, but as miniſters of the civil law, appointed to regulate the external forms of religious worſhip. But of this hereafter. As to that part of religion which relates to morality, that is to ſay, to juſtice, the publick good, obedience to natural and poſitive laws, the ſocial virtues, and all the duties of the man and the citizen; this comes within the cognizance of government. It is, indeed, with reſpect to this particular alone that religion enters directly into its juriſdiction; and from this, civil government ought to baniſh, not error, for of that it is no judge, but every pernicious ſentiment that tends to the breach of the ſocial tye.

Theſe, ſir, are the diſtinctions you are to make, in order to judge of the performance in queſtion; a performance, canvaſſed by a tribunal, not of prieſts but of magiſtrates. I confeſs it is not altogether affirmative; but contains both objections and doubts. We will even admit, what is not true, that theſe doubts are negative. It is, nevertheleſs, for the moſt part, affirmative; it is in particular affirmative and demonſtrative regarding all the fundamental points of political religion: it is alſo ſo very deciſive with reſpect to every thing relative to divine providence, brotherly love, juſtice, peace, the happineſs of mankind, the laws of ſociety, and to all the virtues, that even all the objections and doubts which are ſtarted, ſtill tend to their advantage: and I defy any one to ſhew, that I have attacked a ſingle point of doctrine, which I do not prove to be pernicious to mankind,

kind, either in itſelf or in its unavoidable effects.

Religion is uſeful and even neceſſary to the well-being of mankind. Is not this propoſition affirmed, maintained, and proved throughout the whole piece? So far is the author from controverting the true principles of religion, that he illuſtrates and confirms them to the utmoſt of his power. What he oppoſes, and what he ought to oppoſe, is the blindneſs of fanaticiſm, the cruelty of ſuperſtition, and the abſurdity of prejudice. It is ſaid, indeed, that we ought to reſpect all theſe things. But I aſk, why? Becauſe, truly, it is by theſe things mankind are influenced. Yes, it is by theſe they are influenced to their ruin. Superſtition is the moſt dreadful ſcourge of human kind. It brutalizes the ignorant, perſecutes the learned, and enſlaves the populace; it is productive, in fine, of innumerable evils. And what good reſults from it? None. If it be of any uſe, it is to tyrants; in whoſe hands it is a favourite ſword of deſtruction; and this is, in fact, its greateſt abuſe.

It is ſaid, that in attacking ſuperſtition I endeavour to deſtroy religion itſelf. But how do they know this? Why do they thus confound two cauſes, which I take ſo much pains to diſtinguiſh? How comes it they do not ſee that this imputation is reflected on themſelves, with all its force; the greateſt enemies to religion being in fact the defenders of ſuperſtition? It would be very cruel, if it were ſo eaſy to render the intention of a writer criminal, and ſo difficult to exculpate him. The very circumſtance,

cumſtance, indeed, of its not being proved bad, ought to be a preſumption in favour of its being good. Otherwiſe, who would be ſecure from the arbitrary condemnation of his enemies? What! ſhall their ſimple aſſertions be taken for proofs of what it is impoſſible for them to know? and ſhall my aſſeverations, joined to the teſtimony of my whole conduct, not be thought ſufficient to authenticate my own ſentiments? By what other means is it poſſible for me to make them known? I confeſs it is impoſſible for me to diſplay all the good intentions I feel in my heart; but where is the abominable wretch that pretends to ſee in it evil deſigns which never harboured there?

The more criminal it be to propagate irreligion, ſays M. d'Alembert very juſtly, the more criminal it is to accuſe any one unjuſtly of doing it. Thoſe who judge thus openly of my Chriſtianity, betray only the nature of their own; and the only thing they have proved, is, that certainly they and I are not of the ſame religion. This is the very circumſtance that irritates them; the pretended evil I have ſaid, provoking them leſs than the good. The merit, which they are forced to acknowlege in my writings, vexes and reſtrains them; reduced to the neceſſity of converting it into ill, they perceive they diſcover too much. How pleaſed would they be, if they had found much leſs!

When I am condemned, not on what I have ſaid, but on what it is affirmed I intended to ſay; when the demerit is ſought in my intentions, which is not to be found in my writings, what can I do? They controvert what I have ſaid,

ſaid, by what they pretend I think; when I ſaid *white*, they affirm I intended to ſay *black*; thus they put themſelves in the place of God, to do the work of the devil. How is it poſſible for me to ſecure my head from blows, that are aimed at me from ſuch an eminence?

To prove that the author had no ſuch horrible intention as is imputed to him, I ſee but one way: this is, to judge by the work itſelf. I wiſh, indeed, they would judge in this manner; for my part, I ſhould freely conſent to it: but an examination of this nature would ill become me. No, ſir, no misfortune, no puniſhment ſhall reduce me to ſo abject an undertaking. I ſhould think I committed an inſult on the author, the editor, and even the reader, by entering on a juſtification, which is the more diſgraceful as it is the more eaſy. It would be to degrade virtue, to attempt to ſhew it is not criminal. No, read and judge for yourſelf. The greater your own misfortune, if, during the peruſal, your heart is not excited to pour out bleſſings on the virtuous and reſolute man, who is bold enough in ſuch a manner to inſtruct mankind.

How is it poſſible, indeed, for me to reſolve to enter on a juſtification of that work; for me who imagined, by means of it, to efface the remembrance of all the faults I ever committed; for me, who place the evils it hath brought on me in compenſation for all thoſe of which I have ever been guilty; for me, who am full of confidence to ſay one day to the ſupreme Judge of all Things, "Deign, O Lord, in thy mercy, to judge a feeble man; who hath done evil on the

the face of the earth, but who hath publiſhed this writing."

Dear ſir, permit my ſwelling heart now and then to utter a ſigh: but be aſſured I ſhall not intermix my arguments with declamations or complaints; I ſhall not even make uſe of the aſperity of my adverſaries, but reaſon always with calmneſs and ſerenity. To return, therefore, to my ſubject.

Let us endeavour to take a middle way, which may be ſatisfactory to you, without debaſing myſelf. Let us ſuppoſe, for a moment, that the religious Creed of the Savoyard Vicar was adopted in ſome corner of Chriſtendom, and let us ſee whether the reſult of it would be good or ill. This is neither to attack nor defend it; but to judge of it from its effects.

At the very firſt view, I ſee many new things that have no appearance of novelty; no change in the form of religious worſhip, but a great change in the heart of the worſhipers; converſions without boaſting, belief without diſpute, zeal without fanaticiſm, reaſon without impiety, few articles of faith and many virtues, philoſophical toleration and chriſtian charity.

Our proſelytes will have two rules of faith to conſtitute but one, reaſon and the goſpel. The latter will be ſo much the more ſtable, as it will be founded only on the firſt; and by no means on certain facts; which, ſtanding in need of human atteſtation, reduce religion under the authority of men.

All the difference there would be between them and other Chriſtians, is, that the latter are ſuch as diſpute a good deal about the Goſpel,

pel, without troubling themſelves to put its precepts in practice; whereas our people would attach themſelves entirely to the practice of it, without diſputing about its tenets.

When the Chriſtian diſputants ſhould ſay to them, "You call yourſelves Chriſtians without being ſuch; for to be Chriſtians it is neceſſary to believe in Jeſus Chriſt, and you do not believe in him;" our peaceable Chriſtians would anſwer them thus: "We know not whether we believe in Jeſus Chriſt according to your notions of things, becauſe we do not underſtand them. But we endeavour to obſerve the rules he hath preſcribed to us. We are both Chriſtians in our way; we in obeying his word, and you in believing in him. Chriſtian charity requires that we ſhould be all brothers, and we obey its dictates in admitting you as ſuch; deprive us not, therefore, of a title which we revere with all our power, and which is as dear to us as to you."

The diſputants will, no doubt, perſiſt, "In pretending to be the followers of Jeſus, you muſt ſay by what title. You obey his word; but what authority do you impute to it? Do you acknowledge a Revelation, or do you deny it? Do you admit the truth of the Goſpel entirely, or do you admit only of a part? And on what do you found your diſtinctions? Mighty pretty Chriſtians, indeed, who traffick with their great Maſter, and chuſe or refuſe ſuch parts of his doctrine as happen to pleaſe or diſpleaſe them."

To this the others would thus peaceably reply, "Brethren, we traffick not with the Goſpel, for we make not a trade of our faith. You ſuppoſe

poſe that it depends on us to admit or reject at pleaſure; but this is not true; our reaſon is not thus obedient to our will. In vain ſhould we will that, what appears to us falſe, ſhould appear true; it would ſtill appear falſe in ſpite of our ſtrongeſt inclinations. All that depends on us is to ſpeak according to our ſentiments, or contrary to our ſentiments; and our only crime is, we will not deceive you.

"We acknowledge the authority of Jeſus Chriſt, becauſe our underſtanding acquieſces in the truth of his precepts, and diſcovers to us their ſublimity. It tells us, that it is proper for man to follow thoſe precepts, but that the diſcovery of them was above his comprehenſion. We admit of a Revelation as derived from the ſpirit of God, without knowing the manner how, or perplexing ourſelves to diſcover it. Provided we know that God hath ſpoken to us, it is of little importance to explain the means he hath taken to make himſelf underſtood. Thus in acknowledging the divine authority of the Goſpel, we believe Jeſus Chriſt inveſted with the like authority. We acknowledge a virtue more than human in his conduct, and a ſagacity more than human in his doctrines. All this appears to us very plain. If you aſk in what manner it is effected. This is not ſo very plain, but ſurpaſſes our apprehenſions. If it does not ſurpaſs yours, ſo much the better for you; we felicitate you on the occaſion with all our hearts. Your underſtandings are ſuperior to ours; but it does not thence follow, that we are to be governed by them. We conſent that you ſhould know every thing; permit

permit us only to be ignorant of something. "You ask, if we admit the whole of the Gospel? we admit of all the tokens which Jesus Christ hath given; the utility, the necessity of the greater part of these tokens, affect us, and we endeavour to conform to them. Some of them are above our comprehension: they were given, no doubt, for the instruction of minds more intelligent than ours. We do not conceive that we have attained the utmost limits of human reason; and men of greater penetration may stand in need of precepts more elevated.

"There are many things to be found in the Gospel, that surpass and even shock our reason; we do not, however, reject them. Convinced of the weakness of our understanding, we know how to respect what we cannot comprehend, when from that which is intelligible we see reason to think the rest above our understanding. All that appears necessary for us to know, in order to live holy, is sufficiently clear in the Gospel; and what need have we to know more? On this point we may remain ignorant, but we shall be free from error, and shall not be the less virtuous. This humble reserve is itself in the spirit of the Gospel.

"We do not respect the sacred writings as a book, but as the word and life of Jesus Christ. The character of truth, of wisdom and sanctity which prevail therein, sufficiently shews that the history has not been materially altered *, but

* What would become of the simply faithful, if this were to be known only by means of critical discussions, or on the authority of pastors? With what face

but it has not been demonſtrated to us, that it hath ſuffered no alteration at all. Who knows but the paſſages, we do not comprehend, may not be errors crept into the text? Who knows if the Diſciples, who were ſo greatly inferior to their Maſter, always rightly underſtood him, or have accurately expreſſed themſelves? We do not preſume to determine any thing on this head, and only propoſe our conjectures, becauſe you exact them of us.

"We may be miſtaken in our notions, but you may alſo be miſtaken in yours. Why may you not, being yourſelves but men? You may be as ſincere as we, but you cannot be more ſo: you may be more enlightened; but, after all, you are not infallible. Who then ſhall be judge between us? Shall it be yourſelves? That would not be equitable. Much leſs ſhould it be we, who have ſo great a diffidence of ourſelves. Let us leave this deciſion, therefore, to that great Judge who hears us both; and as we are agreed about the rules of our conduct towards each other, bear with us concerning the reſt, as we bear with you. Let us live in peace, as brethren, let us join in affection for our common maſter, and in the practice of thoſe virtues he hath recommended. This conſtitutes the true Chriſtian.

"But if you ſtill perſiſt in refuſing us this precious appellation, after having done our utmoſt to live amicably with you, we conſole ourſelves under this injuſtice, by reflecting that

face can it be pretended, that our faith is dependent on ſo much ſcience or ſo much ſubmiſſion.

words

words do not conſtitute things; that the firſt diſciples of Jeſus did not bear the name of Chriſtians; that St. Stephen, though a martyr, never bore it; and that when St. Paul was converted to the faith of Chriſt, there were no Chriſtians * on the face of the earth."

Can you imagine, ſir, that a controverſy thus handled, will be very warm or very long? Will not one of the parties be preſently reduced to ſilence, when the other will not diſpute with them.

If our ſuppoſed proſelytes ſhould be maſters of the country they might inhabit, they would eſtabliſh a form of worſhip as ſimple as their creed; and the religion which would reſult from all this, would be extremely uſeful to mankind, even from its very ſimplicity. Diſengaged from every thing that might be ſubſtituted in the place of moral virtues, and having neither ſuperſtitious ceremonies nor doctrinal ſubtilties, it would aim directly at its true end, the practice of our duty. The words Puritan and Orthodoxy, would be no longer in uſe. Piety would no longer conſiſt in the repetition of certain articulate ſounds. The wicked only would be accounted impious, and the virtuous only the truly faithful.

This inſtitution being once fixed, every one would be obliged by the laws to ſubmit to it, becauſe it would not be founded on the authority of men; it would contain nothing but what was agreeable to the natural order of things;

* This name was firſt given them at Antioch, ſome years after.

nor

nor one ſingle article which would not relate to the welfare of ſociety; nor would it be intermixed with any tenet uſeleſs to morality, or point of mere ſpeculation.

But would our proſelytes, therefore, be intolerant? Not at all. On the contrary, they would be tolerant from principle: they would be more ſo than they could poſſibly be by adopting any other doctrines; as they would admit among them all thoſe ſalutary religions as now do not admit each other; that is to ſay, all thoſe who have ſomething eſſential which they neglect, in order to make that eſſential which is not ſo. In the meanwhile, being themſelves attached only to what is eſſential, they would leave the others to add the non-eſſentials at pleaſure, provided they did not wholly reject it. They would leave the others to explain what they themſelves would not attempt to explain; and to determine what they would not preſume to determine. They would leave to other religions, their ſeveral rites, creeds, and modes of belief; requiring only that they would admit, with them, the principles of moral obligation, neceſſary to form the man and the citizen; and leaving them at full liberty, with regard to any thing elſe, to believe what they might think proper. As to ſuch religions as might be eſſentially bad, tending to induce men to do ill, they would not tolerate them at all; becauſe this would be in itſelf contrary to the ſpirit of true toleration; whoſe end is the peace and tranquillity of mankind. The real friends of religious toleration are no advocates for the toleration of crimes; they are not for tolerating

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the propagation of doctrines which tend to make men wicked.

If we suppose, on the contrary, that our proselytes are under the dominion of others; they will, as children of peace, be obedient to the laws of their masters, even in matters of religion, at least if their religion be not essentially evil; for in that case they will refuse to profess it, tho' without insulting those who may. They will say, as Providence hath thought proper to place us in a state of servitude, we are desirous of being good servants; but your sentiments would prevent our being so: we know, we respect our duty, and reject every thing that would induce us to swerve from it; it is in order that we may be faithful to those we serve that we adopt not the laws of iniquity.

But if the religion of their country be essentially good in itself, and the evil annexed to it, consist only in particular interpretations, or in tenets purely speculative, they will adopt what is essential, and bear with the rest, as well out of regard to the laws as for the sake of peace. Should they be called upon expressly to declare their belief, they will do it ingenuously, because it is not lawful to deceive: in case of necessity they will avow their sentiments boldly; and, if they are controverted, defend them by argument. Otherwise they will never enter into disputes with their brethren; but, without persisting in their endeavours to convert them, will remain united to them in the bonds of charity; they will attend their religious assemblies, adopt their forms of worship; and, without thinking themselves a jot more infallible,

will ſubmit their opinions to the determination of the majority, reſpecting every thing that does not immediately intereſt their conſciences, or ſeem eſſentially neceſſary to ſalvation.

Such, you will ſay, is the favourable ſide of the picture; ſuch will be the advantages; let us now ſee what will be the diſadvantages; theſe will be ſoon enumerated. The wicked deſigns of men will no longer receive the ſanction of the word of God. Religion will no longer ſerve as an inſtrument to eccleſiaſtical tyranny, or the cruelty of uſurpers. It will conduce only to render the faithful good and juſt. Their leaders will not find their account in it; to whom it will be worſe than if it were totally uſeleſs.

Thus it appears the doctrines in queſtion are good for mankind, and bad for their oppreſſors. In what claſs, then, ought they to be ranked? I have made a faithful repreſentation both for and againſt them. Compare them, and judge for yourſelf.

All things duly conſidered, I imagine you will ſubſcribe to two things; the one is, that the conduct of the good people whoſe exiſtence I have ſuppoſed, would, in all theſe particulars, be perfectly conformable to the Vicar's profeſſion of faith: the other is, that this conduct would not only be morally irreproachable, but truly chriſtian, and that it would be unjuſt to refuſe to give ſuch worthy and pious perſons the appellation of Chriſtians; ſince they ſo juſtly merit it by their behaviour, and are leſs oppoſite in their ſentiments to many of thoſe ſects who indiſputably aſſume it, than many of thoſe ſects

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are oppoſite to each other. They would not, indeed, be Chriſtians after the mode of St. Paul, who was naturally a perſecutor, and never heard Jeſus Chriſt himſelf. But they would be Chriſtians after the manner of St. James; who was perſonally choſen by his great Maſter, and received from his own mouth the inſtructions he hath tranſmitted to us. This argument is very ſimple, but it appears to me concluſive.

You will aſk me, perhaps, how I make this doctrine agree with that of a man who ſays the Goſpel is abſurd, and pernicious to ſociety? In avowing frankly that I think it would be very difficult to make theſe appear conſiſtent, I aſk, in my turn, who it is that ſays the Goſpel is abſurd and pernicious. You, gentlemen, accuſe me of having done this, and where? In the chapter treating of political religion, in my eſſay on the *Social Compact*. Really this is very ſingular; when in the very ſame manner I imagined I had affirmed directly contrary. I think I have ſaid, that the Goſpel is the moſt ſublime, and, at the ſame time, the moſt powerful tie of human ſociety *. I will not charge theſe gentlemen with advancing a wilful falſhood; but you muſt allow that two propoſitions ſo contradictory in the ſame book, and even in the ſame chapter, muſt appear very extravagant on the whole.

But is there not here ſome new equivocation, by the help of which I am made to appear more culpable, or more crazy than I am? The meaning of the word *Society* is a little vague: there are ſocieties of various kinds in the world; and it is not impoſſible but that which may be ad-

* Contract Social, lib. iv. ch. 8.

vantageous to one may be hurtful to the other. Let us see. The favourite method of my aggressors is artfully to present indeterminate ideas; all the answer I shall make them, shall be to endeavour to ascertain them.

The chapter just mentioned is intended, as is evident from the title, to examine into the manner in which religious institutions may enter into the constitution of the state. So that the point under consideration is not the truth or falshood, or even the goodness or badness of religions in themselves; but to consider them only as they relate to the body politic, and are component parts of legislation.

With this view, the author shews, that all the ancient religions, not excepting that of the Jews, were national in their origin, appropriated to, and incorporated in, the state; forming the basis, or at least making a part, of the legislative system.

Christianity, on the contrary, is in its principles an universal religion; having nothing exclusive, nothing local, nothing peculiar to one country any more than to another. Its divine author, embracing all mankind in his boundless charity, came to remove those barriers that separated the nations from each other, and to unite all mankind in a people of brethren: *for in every nation he who feareth the Lord, and doth justice, is acceptable* *. Such is the true spirit of the Gospel.

Those, therefore, who would make Christianity to be a national religion, and introduce it as a constitutional part in the system of legisla-

* Acts x. 35.

tion,

tion, have been guilty of two faults; the one pernicious to religion, and the other to the ſtate. They have departed from the ſpirit of Jeſus Chriſt, whoſe kingdom is not of this world, and confounding our ſublunar intereſts with thoſe of religion, have ſullied its celeſtial purity; converted it into a ſcourge in the hands of tyrants and an inſtrument of perſecution. They have done no leſs injury to the ſalutary maxims of policy; as, inſtead of ſimplifying the machine of government, they have rendered it more complicated; they have added to it foreign and ſuperfluous reſources, and by ſubjecting it to two different and frequently contrary motions, have occaſioned thoſe convulſions which are felt in all the Chriſtian ſtates in which religion hath entered into the political ſyſtem.

Perfect Chriſtianity is an univerſal ſocial inſtitution; but to ſhew that it is not a political eſtabliſhment, and that it doth not concur to the ſupport of any good particular inſtitution, we muſt ſet aſide the ſophiſtry of thoſe who introduce religion into every thing, as a hold, by means of which they may engroſs every thing to themſelves. All human eſtabliſhments are founded on human paſſions, and are ſupported by them: whatever combats and deſtroys the paſſions, therefore, is by no means proper to ſtrengthen thoſe eſtabliſhments. How can that which detaches our hearts from the things of the world, induce us to intereſt ourſelves more ſtrongly in what is doing here? How can that which engages our thoughts only towards another country attach us more powerfully to this?

National religions are useful to a state, as parts of the constitution; this is inconteſtible; but they are hurtful to mankind in general, and even, in another ſenſe, to the ſtate; I have ſhewn how and wherefore.

Chriſtianity, on the contrary, by making men juſt, moderate, and peaceable, is very advantageous to ſociety in general; but it weakens the force of the political ſpring; it renders the movements of the machine more complex, it breaks the unity of the body moral, and being inſufficiently appropriated to the purpoſes of government, muſt either degenerate or remain a detached and embarraſſing ſubject.

Such are the prejudices and inconveniences on both ſides relative to the body politic. It is nevertheleſs of conſequence to a ſtate that it be not without ſome religion; and that for very ſufficient reaſons; on which I have ever ſtrongly inſiſted. But it is yet better to have no religion at all, than to have one that is cruel and perſecuting; and which, tyranniſing over the very laws themſelves, is contradictory to the moral obligations of the people. It might aptly enough be obſerved, that every thing which has paſſed in Geneva regarding myſelf, ſerves to confirm the argument of that chapter by example, and to prove, from my own hiſtory, that I have therein reaſoned juſtly.

How ſhould a wiſe Legiſlator act in this alternative? He ſhould do one of theſe two things. He ſhould eſtabliſh a religion purely political; in which he ſhould include the fundamental tenets of every good religion; all thoſe which

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are useful to society, whether universal or particular; omitting all such as may be important in point of faith, but conduce nothing to the temporal interests of mankind, the only object of civil legislation. For, how can the mystery of the Trinity, for example, conduce to the good constitution of the state? How much better citizens would its members be for having rejected the merit of good works? And how would the bands of society be strengthened by the doctrine of original sin? True Christianity is doubtless an institution of peace; but who is ignorant that speculative and theological Christianity, by the multiplicity and obscurity of its tenets, keeps a field of battle constantly open for the disturbance and destruction of mankind.

The other expedient is to leave the genuine spirit of Christianity to operate freely, disencumbered by any connection with the works of the flesh, subjected to no other obligations than that of conscience, and to no other restraint in its tenets than those of morality and the laws. The Christian religion must, on account of the purity of its morals, be ever salutary to a state, provided it be not made a part of the constitution, but is admitted merely as religion, sentiment, opinion, or belief: for considered as a politic law, speculative Christianity is an unsalutary establishment. This, sir, is the worst consequence that can be deduced from the chapter in dispute; in which so far am I from taxing the pure and holy *Gospel* * with being pernicious to society, that I shew it to be in a manner too social; including

* See Letters written from the Country, pag. 30.

too great a part of mankind, to coincide with particular and exclusive systems of legislation. I have shewn that it inspires humanity rather than patriotism, and tends rather to the forming of men than citizens *. If I am mistaken, I have committed a blunder in politics; but where is the impiety?

The science of salvation and that of government are very different. To insist that the former necessarily includes all others, is the fanaticism of a narrow mind. Such a way of thinking is like that of the alchemists, who, in the art of making gold conceive they also see that of the universal medicine: or like that of the Mahometans, who pretend that all arts and sciences are to be found in the Alcoran. The doctrines of the Gospel have but one object in view, which is the universal salvation of mankind. Their liberties and properties here below have nothing to do with it. This Jesus hath said a thousand times. To join earthly views

* It is wonderful to see the assortment of fine sentiments, which are daily collected together in books. But nothing more is required to do this, than a good store of words; and it costs but little pains to display the greatest virtues on paper. The case is otherwise with respect to their influence on the heart; and there is a wide difference between the description of things and their reality. Patriotism and humanity, for example, are two virtues incompatible with each other in any great degree, and particularly in a whole people. The Legislator who would unite them both, will obtain neither one nor the other. Their union never was, nor ever will be known, because it is contrary to nature, and because it is impossible to give two objects to one passion.

to this celeſtial object, would be to alter the ſublime ſimplicity of its nature, and to ſully its ſanctity with mere human concerns: this, indeed, might juſtly to be called impiety.

Theſe diſtinctions have been eſtabliſhed in all ages; and it is only on my account they are now confounded. If I have taken away the Chriſtian Religion from particular national inſtitutions, I have aſſerted it to be the beſt for mankind in general. The author of the *Spirit of Laws* hath done more. He hath ſaid, that the Mahometan religion was better calculated for the Aſiatic countries. He reaſoned as a politician, and ſo did I. And yet in what country have they quarrelled, I do not ſay with the author, but with his book *? Why therefore am I thought criminal, or why was not he adjudged to be equally ſo?

Thus, ſir, by means of faithful extracts, may an equitable critic come to know the real ſentiments of an author, and the deſign with which he hath compoſed his book. Let mine be examined in the ſame manner, and I ſhall not be afraid of the judgment which any honeſt man may paſs on it. But this is not the method taken by my opponents. With the view of making me criminal at all hazards, they depart from the real intent of the work; imputing every error, and overſight, that may have eſcaped the author, to deſign; and never failing, if

* It may not be improper to remark here, that the work, entitled *L'Eſprit des Loix*, was firſt printed at Geneva, without our Critics finding any thing reprehenſible in it; nay, one of our Paſtors even corrected the preſs.

by chance an equivocal paſſage is met with, to put an interpretation on it different from the meaning of the writer. From a large field, covered with a plenteous harveſt, they induſtriouſly pick out a few exceptionable plants, in order to accuſe the planter of a deſign to poiſon.

My propoſitions could have no ill effect in their proper place. They were really uſeful and juſt in the light I exhibited them. It is the falſification of them, and the fraudulent interpretations put on them, which make them appear reprehenſible. They ought to be burnt, indeed, as they ſtand in their books, and applauded as they are inſerted in mine.

How often have authors thus defamed, and the public thus abuſed, exclaimed againſt this odious manner of mangling and diſfiguring performances; of taking ſcraps here and there, at the pleaſure of a faithleſs and diſingenuous informer, who himſelf conſtitutes the evil, by detaching it from the good that corrects and explains it, and perverting every thing from its true ſenſe? They are welcome to judge of Bruyere and Rochefoucault by their detached maxims; but even then it would be but juſt to number and compare them. But in a book of argument, how many different ſenſes may not be given to the ſame propoſition, according to the manner in which the author employs it, or preſents it to the view of the reader? There is not, perhaps, one of thoſe imputed to me, which is not confuted either in the foregoing or ſucceeding page; or that I have not uſed in a ſenſe different from what my accuſers have repreſented. You will ſee, before I come to the end of

of these letters, some proofs of this, that will surprize you.

But admitting that my book contains propositions that are false and reprehensible in themselves; is this sufficient to render it a pernicious book? A good book is not that which contains nothing bad, or which may not be so interpreted: if it were, we should have no good books at all. But a good book is one that contains more good things than bad: a good book, in short, is one whose general tendency is good, notwithstanding the bad things it may contain. Good God! how preposterous would it be, if in a great work, full of useful truths, of lessons of humanity, piety, and virtue, a malignant critic were permitted to go on, minutely searching out all its errors; picking up every equivocal, suspicious, or inconsiderate proposition; every false consequence that might escape the attention of an author, overcharged with matter, and so distracted by the numerous ideas crowding on his mind, as to be scarce able to collect together the several parts of his vast design! If he were permitted, I say, to make a collection of all these faults; to aggravate them by one another, in bringing those which were distant near together, and in connecting those which were detached; at the same time concealing the multitude of good and commendable passages, serving to explain, to illustrate them, and to shew the true meaning of the writer; and then to give out this frightful assemblage as a proof of his real sentiments, and to condemn him on the testimony of such an extract! To what desert can he fly? in what cavern can he conceal him-

ſelf, to eſcape the purſuits of ſuch men, who puniſh the good under the appearance of evil; who account as nothing the intention of the heart, though its uprightneſs is every where apparent; but treat the ſlighteſt and moſt involuntary fault as an atrocious crime? Is there a ſingle book in the whole world, however true, however good, however excellent, that can eſcape ſo infamous an inquiſition? No, ſir, not one; not even the Goſpel itſelf: for the evil they did not find there, they would be able to repreſent as being there by their unfaithful extracts, and falſe interpretations. "We refer to you," they might dare to ſay, "a ſcandalous, raſh, and impious book, which teaches us to give to the rich and to take from the poor (*a*); which inſtructs children to deny their mothers and their brethren (*b*); to take the property of others without ſcruple (*c*); to forbear inſtructing the wicked, leſt they ſhould repent and be forgiven (*d*); to hate father, mother, wife, children, and all one's relations (*e*); a book, throughout which the flames of diſcord are blown up (*f*); in which boaſt is made of arming the ſon againſt the father (*g*), relations againſt one another (*h*), and ſervants againſt their maſters (*i*); in which the violation of the laws is appro-

(*a*) Matth. xiii. 12. Luke xix. 26.
(*b*) Matth. xii. 48. Mark iii. 33.
(*c*) Mark xi. 2. Luke xix. 30.
(*d*) Mark iv. 12. John xii. 40.
(*e*) Luke xiv. 26.
(*f*) Matth. x. 34. Luke xii. 51, 52.
(*g*) Matth. x. 35. Luke xii. 53.
(*h*) Ibid. (*i*) Matth. x. 36.

ved

ved *(k)*; in which perſecution is impoſed as a duty *(l)*; in which, in order to induce people to commit violence and robbery, the kingdom of Heaven is repreſented as being taken by force *(m)*.

Figure to yourſelf a diabolical critic thus analyſing the whole Goſpel, and forming ſuch an abominable analyſis, under the title of *The Evangelical Profeſſion of Faith*, a piece that muſt ſtrike the reader with horror, while the devout Phariſees ſhould cry it up with an air of triumph, as an epitome of the precepts of Jeſus Chriſt.

By this example, however, may be ſeen, how far this ſcandalous and injurious method of criticizing books may be carried. Whoſoever hath read my books, and may read the imputations of thoſe who accuſe me, who judge, who condemn, who perſecute me, will ſee that it is thus they have treated me.

I imagine, ſir, I have ſufficiently ſhewn, that theſe gentlemen have not condemned me according to the dictates of reaſon. I ſhall now proceed to ſhew, that they have not condemned me according to law; but permit me a while to take breath. To what melancholy efforts am I reduced, at this time of life! Ought I to learn ſo late to make my apology?

(k) Matth. xii. 2, & ſeq. *(l)* Luke xiv. 23.
(m) Matth. xi. 12.

LETTER

LETTER THE SECOND.

I HAVE ſuppoſed, ſir, in the preceding Letter, that I have really been guilty of thoſe errors againſt the faith, of which I ſtand accuſed, and have ſhewn that, as ſuch errors are not hurtful to ſociety, they are not puniſhable by human juſtice. God almighty has reſerved to himſelf the defence of his own cauſe, and the puniſhment of offences committed merely againſt himſelf. It is ſacrilege in men to preſume to be avengers of the Deity; as if he ſtood in need of their protection. Magiſtrates and Kings have no authority over our ſouls; but, provided we are obedient to the laws of ſociety in this world, have nothing to do with our ſituation in the next; to which their juriſdiction doth not extend. If once we loſe ſight of this principle, the laws deviſed for the happineſs of mankind would ſoon degenerate into a ſcourge; while individuals, under their horrible inquiſition, being judged rather by their faith than their works, would lie at the mercy of every one who had a mind to oppreſs them.

If the laws have no authority over the ſentiments of mankind in things appertaining ſolely to religion, they have alſo no greater authority over ſuch parts of their writings as

diſplay

diſplay only ſuch ſentiments. If the authors of thoſe writings are puniſhable, it is not merely becauſe they have divulged errors; neither the law, nor its miniſters are the proper judges of what is or is not an error. The author of the Letters written from the Country appears to admit of this principle. Perhaps, indeed, he carries it too far, in admitting that in Politics and Philoſophy men may be ſuffered to write what they pleaſe *. But this is a point that does not here come under examination. Pleaſe to obſerve, however, what a turn your Gentlemen and he give the thing, in order to juſtify the ſentence paſſed on my works and myſelf. They judge of me leſs as a Chriſtian than as a citizen, and look upon me leſs as impious towards God than rebellious againſt the laws. They regard leſs the ſinfulneſs of my crime, than the hereſy of my diſobedience. According to them, I have attacked the religion of the ſtate, and have incurred the penalty of the laws. This, I think, is the meaning of all they have advanced intelligibly, in juſtification of their proceedings.

On this point I ſee three difficulties. The firſt is, to know what is the religion of the ſtate: the ſecond, to ſhew that I have attacked it: and the third, to point out the particular law whoſe penalty I have incurred.

* In this reſpect, ſays he, p. 22. *I find my own maxims made uſe of in the Remonſtrances:* And again, pag. 29. he looks upon it as *inconteſtible*, that no body ſhould be perſecuted on account of his religious principles.

Firſt,

First, What is the religion of the ſtate? It is that of the holy evangelical Reformation? Doubtleſs theſe are high-ſounding words. But what is at preſent the holy evangelical reformation at Geneva? Has it by accident ever come to your knowledge? If it has, I felicitate you on the occaſion. For my own part, I am ignorant of it. I imagined, indeed, formerly that I knew, but find myſelf miſtaken, as well as many others, more knowing than myſelf in every other reſpect, and not leſs ignorant in this.

When the Reformers ſeparated themſelves from the Church of Rome, they accuſed it of error; and in order to correct this error at the fountain head, they interpreted the Scriptures in a different ſenſe from what the Church had been accuſtomed to. When they were aſked on what authority they ventured thus to depart from received doctrines? They anſwered, on their own authority; on that of their reaſon. They ſaid the meaning of the Scriptures was plain and intelligible to all mankind, as far as they related to ſalvation; that every man was a competent judge of doctrines, and might interpret the Bible, which is the rule of faith, according to his own mind: that by this means all would agree as to eſſential points; and as to thoſe on which they could not agree, they muſt be uneſſential.

Here, then, was private judgment eſtabliſhed, as the only interpreter of the Scriptures: thus was the authority of the Church at once rejected, and the religious tenets of individuals left

left to their own particular jurisdiction. Such are the two fundamental points of the Reformation; to acknowledge the Bible as the rule of belief, and to admit of no other interpreter of its meaning than one's self. These two points combined, form the principle on which the Protestants separated from the Church of Rome: nor could they do less, without being inconsistent with themselves; for what authority of interpretation could they pretend to, after having rejected that of the Church?

But it may be asked, how, on such principles the Reformed could ever be united among themselves? How, every one having his own particular way of thinking, they could form themselves into a body and make head against the Catholic church? This it was necessary for them to do; and, therefore, they united with regard to this one point, they acknowledged every one to be a competent judge as far as related to himself. They tolerated, as in such circumstances they ought, every interpretation but one, viz. that which prohibited other interpretations. Now this interpretation, the only one they rejected, was that of the Catholics. It was requisite for them unanimously to proscribe the Romish church, which in its turn equally proscribed them all. Even the diversity of their manner of thinking from all others, was the common bond of union. They were so many little states in league against a great power, each losing nothing of its own independence by their general confederacy.

Thus

Thus was the evangelical reformation eſtabliſhed, and thus it ought to be maintained. It is true that the opinion of the majority may be propoſed to the whole, as the moſt probable manner, or as the moſt authentic. The Sovereign may even reduce it into form, and recommend it to thoſe who are appointed to teach it; becauſe ſome rule and order ought to be obſerved in public inſtructions, and in fact no perſon's liberty is infringed by it, as none are compelled to be taught againſt their will. But it does not hence follow that individuals are obliged directly to adopt the interpretations thus propoſed to them, or that doctrine which is thus publickly taught. Every one remains, after all, a judge for himſelf, and in that acknowledges no other authority than his own.

Good inſtructions ought leſs to fix the choice we ought to make, than to qualify us for making ſuch choice. Such is the true ſpirit of the reformation; ſuch its real foundation; according to which private judgment is left to determine in matters of faith; which are to be deduced from the common ſtandard, *i. e.* the Goſpel. Freedom is ſo eſſential alſo to reaſon, that it cannot, if it would, ſubject itſelf to authority. If we infringe ever ſo little on this principle of private judgment, Proteſtantiſm inſtantly falls to the ground. If I am convinced to-day that I ought to ſubmit to the deciſions of others, I ſhould to-morrow become a Catholick, and every honeſt and conſiſtent man would do the ſame.

Now

Now the liberty of interpreting the Scripture not only includes the right of explaining its several passages, but that of remaining in doubt with regard to such as appear dubious, and also that of not pretending to comprehend those which are incomprehensible. Such is the privilege of every one of the faithful; a privilege with which neither Minister nor Magistrates have any thing to do. A man who reveres the Bible, and agrees with them in regard to principal points, behaves conformably to the evangelical reformation. The oath of the burghers of Geneva means no more. Already I see your learned Doctors begin to triumph with regard to these principal points; from which they pretend I have departed. But softly, gentlemen, pray; it is not myself, but you who are my present subject. Let us first know what these capital points are, according to you. Let us know, what right you have to oblige me to see them where I do not see them, and where perhaps you do not in fact see them yourselves? Forget not, if you please, that in imposing your decisions on me for laws you yourselves depart from the spirit of the reformation: it is you who shake its real foundation; it is you who by law deserve to be punished.

Whether we consider the political state of your republick at the time of the Reformation, or weigh the terms of your ancient edicts relative to religion, it will appear that the Reformation is in every case opposed to the church of Rome: and that the laws had no other object than to abjure the principles and worship

of

of that church; as being, in every ſenſe, deſtructive of liberty.

In this particular ſituation the ſtate exiſted only, if I may ſo expreſs myſelf, by the ſeparation of the two churches, and the republic would have been annihilated if Popery had got the aſcendant. Thus the law, which preſcribed the evangelical mode of worſhip, had nothing in view but the abolition of the Romiſh forms. This is ſufficiently proved by thoſe invectives, which were contained in your primitive ordinances; and which have ſince been prudently retrenched, when the ſame danger no longer ſubſiſted. This is ſufficiently atteſted alſo by the oath of the Conſiſtory; which conſiſts only in the engagement to prevent all *kinds of idolatry, blaſphemies, diſſolutions, and other things contrary to the honour of God and the evangelical reformation.* Such are the terms of the Ordinance paſſed in 1562. On the Review of the ſame Ordinance in 1576, it was entitled *To guard againſt all ſcandal**: which ſhews, that in the firſt form of the oath, the ſole object of it was the ſeparation from the Church of Rome. The matter of police was introduced afterwards; as is natural, when an inſtitution begins to aſſume ſome conſiſtency. But even then, neither in the one leſſon nor in the other, neither in any oath of the magiſtrates, the citizens, or the miniſters, is there any mention made of error or hereſy. This was ſo far from being the

* Ordon. Eccleſ. Tit. iii. Art. lxxv.

object

object of the reformation, or the laws, that it would only have made them inconſiſtent with themſelves. Thus your edicts have ſettled, under the word *reformation*, nothing but the points in controverſy with the Church of Rome.

I am ſenſible that your hiſtory, as well as that of the Reformation in general, is full of facts which betray the exiſtence of a very ſevere inquiſition; and that, from being themſelves perſecuted, the Reformed ſoon became perſecutors in their turn. But this contraſt, ſo ſhocking in the hiſtory of all ſects of Chriſtians, proves nothing more with regard to yours, than the inconſiſtency of mankind and the influence which the paſſions have over reaſon. The proteſtant clergy, in conſequence of their diſputes with thoſe of the Romiſh communion, acquired a ſpirit of cavil and diſputation. They wanted to decide, regulate and dictate in every thing: every one very modeſtly propoſed his own ſentiments as the ſupreme law for all the reſt. This was not the way to live long in peace. Calvin, doubtleſs, was a great man; but yet he was ſtill a man, and, what is worſe, a divine. He had beſides all the pride of Genius, ſenſible of its ſuperiority and impatient of contradiction. Moſt of his collegues were in the ſame circumſtances; and all of them by ſo much the more culpable as they were the more inconſiſtent.

What hold did they not give by this means, to the Catholicks, and what a pity it was that thoſe learned men, thoſe enlightened ſpirits, who reaſoned

reaſoned ſo well on all other ſubjects, ſhould, in their controverſies, reaſon ſo very ill on this!

Theſe contradictions, however, ſerve to prove nothing, except that they acted more from their paſſions than their principles. Their rigid Orthodoxy was in itſelf an Hereſy. It was, indeed, the ſpirit of the reformers but not that of the reformation.

The proteſtant religion is tolerant from principle, it is eſſentially ſo, as much as it is poſſible for a religion to be; ſince the only tenet it does not tolerate is that of perſecution.

Here we ſee is the inſurmountable barrier, which ſeparates us from the Catholicks, and which unites the other communions among themſelves: every one looks upon the other to be in an error; but none ought to look upon that error as an obſtacle to ſalvation *.

The proteſtants of our days, at leaſt their miniſters, either know not, or have no love for their religion. If they had, they would unanimouſly have rejoiced at the publication of my book; they would all have joined me, who attacked only their adverſaries. But they had rather give up their own cauſe than ſupport mine. With their ludicrous arrogance, with their rage of chicanery and perſecution, they no longer know what they believe, what they would have, nor

* Of all the ſects among Chriſtians, the Lutherans appear to me the moſt inconſiſtent. The objections which other ſects make to each other, are all to be levelled againſt that alone. It is in particular as intolerant as the church of Rome; of whoſe grand argument it is deſtitute: it is intolerant without knowing why.

what

what they say. I can look upon them only as worthless servants of the priests, who serve their cause less for the love of them, than out of hatred to me †. When they have disputed, cavilled, abused, and decided at their pleasure; in the midst of their petty triumph, the Romish Clergy, who at present laugh in their sleeves at what they are about, will attack them in time with unanswerable arguments *ad hominem*, and, vanquishing them with their own arms, will say; *All this hath gone well; but at present stand aside, wretched intruders as you are; you have only been labouring for us.* But to return to my subject.

The church of Geneva has not, nor ought it to have, as a reformed church, any precise and particular articles of faith, adopted in common by all its members. If this be insisted on, it will be in itself an infringement on evangelical liberty, a renunciation of the principles of the reformation, and a violation of the laws of the state. Not one of the protestant churches, which have formerly drawn up articles of faith, or the Synods which have settled points of doctrine, appear to have meant any thing more than to prescribe to the pastors what they ought to teach; and this was right and proper. But if any of those councils or Synods took upon them, by such formula to prescribe to the faithful what they ought to be-

† It is superfluous, I imagine, to acquaint the reader, that I except my own pastor, and those who think like him with respect to this point.

lieve,

lieve, the deciſions of ſuch aſſemblies in that caſe prove only that they were ignorant of their own religion.

The Church of Geneva hath long appeared to depart leſs from the true ſpirit of Chriſtianity than the others, and it was on this fallacious appearance that I have honoured its paſtors with thoſe encomiums of which I thought them deſerving. For in ſo doing I certainly did not intend to impoſe on the publick. But who can bear at preſent to ſee thoſe very miniſters, formerly ſo pliable, become all at once ſo rigid as to quarrel with the orthodoxy of a layman, and leave their own under ſuch a ſcandalous uncertainty. The queſtion hath been put to them, whether Jeſus Chriſt be God? but they are afraid to anſwer. They have been aſked what myſteries they admit of? They dare not make any anſwer. On what ſubject, therefore, will they anſwer, and what are the eſſential articles, different from mine, on which they would have one determine, if theſe are not comprehended among them?

A certain philoſopher caſt a penetrating glance on them, and ſaw they were Arians and Socinians; he ſaid ſo, and in that, thought to do them honour. But he did not foreſee, that in ſo doing he endangered their temporal intereſt: the only thing which here below generally determines the religious faith of mankind.

They immediately therefore took the alarm; they aſſembled, they debated, they were agitated, they knew not to what ſaint to devote them-

themſelves: but after many conſultations*, deliberations, and conferences, the whole ended in an equivocation, in which they ſaid neither yes nor no; and from which it is as little poſſible to comprehend any thing, as from the two pleaders of Rabelais†. The orthodox doctrine is, therefore, not very clear, and is lodged in very ſecure hands.

And yet becauſe one of them, in a ſtring of forced and pedantic pleaſantries, as candid as elegant, has not been afraid to forfeit his own pretenſions to Chriſtianity in judging of mine; all of them, charmed with the erudition, and in particular the logic, of their learned brother, avow the whole of his work, and ſend him a formal deputation of thanks.

Truly, theſe gentlemen, your miniſters, are a mighty ſingular ſort of people. One knows not what they believe, nor what they do not believe. One does not even know what they pretend to believe. The only manner in which they attempt to eſtabliſh their own creed, is by attacking that of others. They act like the Jeſuits, who, it is ſaid, compel every body to ſign the Conſtitution, without ſigning it themſelves. Inſtead of explaining themſelves on the doctrine which is imputed to them,

* When a perſon is fully determined on what to believe, ſays a certain Journaliſt, a creed is very ſoon drawn up.

† They would poſſibly have been under ſome embarraſſment to explain themſelves more clearly, without being obliged to retract from their own aſſertions with regard to ſome particulars.

they think to divert the attention of other churches, by picking a quarrel with their own defender: they want to prove by their ingratitude, that they do not ſtand in need of my aſſiſtance, and think they ſufficiently diſplay their orthodoxy, by ſhewing themſelves perſecutors.

From all this I conclude, that it is not eaſy to ſay in what conſiſts at preſent the reformed religion at Geneva. All that can be advanced with any certainty on this head, is, that it ought to conſiſt principally in rejecting the tenets conteſted with the Church of Rome by the firſt reformers, and particularly by Calvin. This is the ſpirit of your inſtitution; and it is by this you are a free people, and by this alone that your religion is a conſtitutional part of the ſtate.

I paſs from this firſt queſtion to the ſecond; and aſk how it can be ſaid that in a book, wherein the truth, the utility, the neceſſity of religion in general are inculcated with the greateſt force; wherein, without making any excluſion, the author prefers the Chriſtian religion to every other, and the evangelic reformation to every other ſect; how, I ſay, can it be pretended, that this very reformation hath been attacked? This ſeems very difficult to conceive. Let us, however, examine into it.

I firſt prove in general, and afterwards more circumſtantially, that Chriſtianity is not attacked in my book. Now when the common principles are not attacked, a particular ſect can

can be ſo only in two methods; either indirectly, by maintaining the contrary tenets of its adverſaries; or directly, by attacking its own.

But how can I be ſaid to have maintained the particular tenets of the Catholicks, when on the contrary, it is thoſe only I have attacked; and it is this very attack which hath irritated the Catholic party againſt me; and without which it is very certain the Proteſtants would never have taken the alarm? This, I confeſs, is one of the ſtrangeſt things I ever heard of; but it is nevertheleſs true. I am profeſſor of the proteſtant faith at Paris, and it is for this reaſon I am ſtill to at Geneva.

Again; how can it be pretended that I attack the particular tenets of the Proteſtants, when, on the contrary, they are thoſe which I have maintained with the more force, as I have conſtantly inſiſted on the authority of reaſon in matters of faith, on the freedom of private judgment in the interpretation of the Scriptures, on the evangelical toleration, and on our obedience to the laws, in affairs of public worſhip; all of them peculiar and radical tenets of the reformed Church, and without which, it would be ſo far from having a ſolid foundation, it could not even exiſt.

To this it may be added, that the very form of the piece is an additional argument in favour of the Reformed. It is a Catholic Prieſt who is the ſpeaker; and this prieſt is neither a blaſphemer nor a libertine. It is a man faith-

ful and pious, full of candour, of integrity; and who, notwithſtanding his ſcruples, his doubts, and objections, entertains, at the bottom of his heart, the moſt profound reſpect for the religion he profeſſes: a man who declares, in the moſt ſecret effuſions of his mind, that, being called to the ſervice of the church, he hath diſcharged his duty with all poſſible exactneſs; that his conſcience would reproach him ſhould he fail even in the leaſt particular; that with regard to the myſteries moſt repugnant to reaſon, he collects his thoughts within himſelf, during the moment of conſecration, in order to do it with that diſpoſition the Church and the ſolemnity of the Sacrament require; that he pronounces, with reſpect to the ſacramental terms, he gives to them all the belief in his power; and that, whatever may be the truth with reſpect to that inconceivable myſtery, he is not afraid of being puniſhed, at the great day, for having ever profaned it in his heart *.

Thus ſpoke and thought that venerable man, that good, prudent, truly chriſtian, and the moſt ſincere Catholick, that perhaps ever exiſted.

It is worth mentioning what this virtuous Prieſt ſaid to a young Proteſtant, converted to the Romiſh religion, to whom he was giving advice. "Return to your own country, reſume "the religion of your parents, follow its dic-"tates in the ſincerity of your heart, and ne-"ver leave it more. It is very ſimple and

* See Emilius, vol. iii. pag. 142.

"very

" very holy. I believe it to be, of all reli-
" gions on the earth, the moſt reaſonable and
" the moſt pure in its morals *."

He adds a moment afterwards. " Whenever
" you appeal to your conſcience, a thouſand
" vain objections diſappear. You will be ſen-
" ſible, that in our preſent uncertain ſtate, it is
" an inexcuſable preſumption to profeſs any
" other religion than that in which we are
" born and educated; and a falſhood not to
" practiſe ſincerely the religion we profeſs. If
" we happen to be in an error, we deprive our-
" ſelves of a great excuſe at the tribunal of
" our ſovereign Judge. Will he not be more
" ready to pardon an error in which we have
" been born and bred, than that which we
" have made choice of ourſelves † ?"

A few pages before he had ſaid: " If I had
" any Proteſtants in my neighbourhood, or in
" my pariſh, I would make no diſtinction be-
" tween them and my pariſhioners in things
" relating to Chriſtian Charity: I ſhould en-
" deavour to make them all equally love each
" other; to make them look upon each other
" as brothers; to reſpect all religions; and to
" live in peace, each after his own. I think
" that to ſollicit any one to quit the religion
" in which he was born, is to ſollicit him to
" do evil, and of conſequence is to do evil
" one's ſelf. In the expectation of ſuperior
" lights, let us preſerve the publick peace; let
" us, in every country, reſpect the laws; let

* See Emilius, vol. iii. p. 148. † Ibid.

" us not disturb the worship they prescribe; " let us not stir up the citizens to disobedi- " ence, for we know not certainly whether it " be good for them to give up their present " opinions for others, and we certainly know " it is an evil to disobey the laws."

Such, Sir, is the discourse of a Catholick priest, in a performance wherein I am accused of attacking the religious worship of the Reformed, and in which he hath said nothing more. They might, perhaps, have reproached me, with some justice, of too great a partiality in his favour, and of a deficiency in point of character, by making a Catholick priest talk in such a manner as no Catholick priest ever yet did talk. Thus I have, in every respect, done the very reverse to what I am accused of. One would be apt to imagine, that the conduct of your magistrates depended on a wager, and that they had betted judgment would be given contrary to the evidence. If they had, they could not have succeeded better.

But that book, it is said, contains objections, difficulties, and doubts: And, pray, why should it not? Where is the crime in a Protestant's proposing his doubts on subjects that appear to him doubtful, or his objections with regard to those which he finds objectionable. If what appears to you clear, seems to me obscure; if what appears to you demonstrated, seems to me not so; by what right do you pretend to subject my judgment to yours, and to impose on me your authority for law, as if you pretended to the infallibility of the Pope?

Pope? Is it not very pleaſant that my accuſers are reduced to the neceſſity of reaſoning like Catholicks, in charging me with having attacked the Proteſtants?

But theſe doubts and objections fall on the fundamental points of our faith! Under the appearance of doubts, are aſſembled together all thoſe reflections which tend to ſap and deſtroy the principal foundations of the Chriſtian religion! Here we ſee the charge is altered, and if it be true, I may be to blame. But this is alſo a falſhood; and a very imprudent one on the part of men, who know not in what the fundamental principles of their Chriſtianity conſiſt. For my part, I very well know in what conſiſt the fundamental principles of mine, and I have declared it. Almoſt all the profeſſion of Eloiſa is affirmative; all the firſt part of the vicar's is affirmative; half the ſecond is likewiſe affirmative. Part of the chapter on political religion is affirmative: the letter to the Archbiſhop of Paris is farther affirmative. There, gentlemen, you will find my fundamental articles. Be ſo good as to let us ſee yours.

No. Theſe gentlemen are cunning. They have laid down a method of diſcuſſion of the neweſt and moſt convenient kind for perſecutors. They artfully leave all the principles of their doctrine vague and uncertain. But when a writer hath the misfortune to diſpleaſe them, they begin to turn over their books to know what are their opinions, and though they think them very plainly laid down, they aſſume the contrary of thoſe opinions, and compoſe ſo many articles of faith: after which they ex-

claim againſt the impiety and blaſphemy of ſuch author, becauſe he did not beforehand admit into his writings the pretended articles of faith, which they have afterwards contrived, in order to torment the author.

How ſhall I be able to purſue the multiplicity of ſubjects, on which they have attacked me? How ſhall I be able to collect or to peruſe all their libels? Whom ſhall I employ to go and pick up theſe ſhreds and patches, in the ſhops of Geneva, or out of that heap of rubbiſh, the Neufchatel Mercury. I ſhould be loſt and bewildered in the midſt of ſo many abſurdities. From all this farrago, let us take one article only, as an example, an article on which they triumph moſt; and to diſcuſs which their preachers * retired into the country, and about which they have made the moſt noiſe. This is that of miracles.

I ſhall enter into a long examination of this ſubject: I muſt beg of you, however, to forgive me, if I ſhould treſpaſs on your patience; as I diſcuſs this terrible point only to ſpare you the trouble of attending to others on which they have leſs inſiſted.

They ſay, then, "J. J. Rouſſeau is not a Chriſtian, though he gives himſelf out for ſuch; for we, who certainly are ſo, differ

* I ſhould not have made uſe of this expreſſion, as I thought it depreciating, if the example of the Council of Geneva, who employed it in writing to Cardinal de Fleury, had not informed me my ſcruple was ill founded.

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from him in opinion. J. J. Rouſſeau does not believe in revelation, although he ſays he believes in it. Obſerve the proof. "God doth not reveal his will directly to all mankind; he ſpeaks to them only by his miniſters, and his miniſters work miracles as a proof of their miſſion. Whoever therefore rejects miracles, rejects the miniſters of God, and whoever rejects the miniſters of God rejects revelation. Now John James Rouſſeau rejects miracles."

We will admit, for the preſent, that both the principle and the fact are true; as we ſhall return to the examination of them afterwards. This ſuppoſed, the preceding argument hath but one defect; and that is, it makes directly againſt thoſe who employ it. It is very good for the Catholicks, but very bad for Proteſtants. Let me come to prove in my turn.

You will find that I am frequently guilty of repetition; but of what importance is it? How can I avoid reſuming a propoſition, when I find it neceſſary to arguments quite different? This would be a puerile affectation. My preſent object is not the ſtudy of variety, but that of truth, of juſt and concluſive arguments. Paſs by the reſt if you pleaſe, and attend only to that.

When the firſt Reformers began to ſpread their doctrines, the catholick church was in peace: the ſentiments of the whole Chriſtian world were the ſame; nor was there one eſſential tenet controverted among them. In

this ſtate of tranquillity, there roſe up at once, two or three clamorous men, who cried out, in the face of all Europe; "Chriſtians, look to yourſelves; ye are deceived, led aſtray, and are in the high road to damnation. The Pope is the Antichriſt, the ſubſtitute of Satan, and his Church is the ſchool of falſhood. You are all ruined and undone if you attend not to our counſel.

At the firſt utterance of theſe clamors, the European nations were aſtoniſhed, and for a while kept ſilence, expecting the conſequence. At length the clergy, recovering from their firſt ſurprize, and ſeeing theſe declaimers gain converts, as every one who attempts to form a ſect will certainly do; they thought it expedient to enter into ſome explanation with them. They began with enquiring the reaſon of all this diſturbance. To which the former haughtily replied, "They were the Apoſtles of truth, called to work a reformation in the Church, and to bring back the faithful from the way of perdition, into which the prieſts had led them."

"But, pray, ſaid the prieſts, from whom have you received this fine commiſſion to trouble the publick repoſe, and diſturb the peace of the Church?" From our conſciences, replied they, from our reaſon, the light within us, the voice of God, which we muſt not diſobey. It is God, who hath called us to this ſacred miniſtry, and we obey our vocation.

You are then the miniſters of Heaven, replied the Catholicks. In this caſe it is doubtleſs

leſs your duty to preach, to reform, to inſtruct us; and it is ours to hear you. But in order to obtain your privileges, produce your credentials. Propheſy, heal the ſick, work miracles, diſplay the proofs of your miſſion. The anſwer of the Reformers is curious, and deſerves to be faithfully tranſcribed.

"Yes, we are the miniſters of God, but our miſſion is not of the extraordinary kind. Our inſpiration lies in the impulſe of a good conſcience, and the light of a ſound underſtanding. We do not pretend to bring you a new revelation; but confine ourſelves to that which hath been given you, and which you no longer underſtand. We come to you not with miracles, which may be falſe, and by which ſo many falſe doctrines are already ſupported; but with the evidence of reaſon and truth, which cannot be deceitful; with the holy Goſpels, which you have ſo diſfigured and perverted; and which we will undertake to explain to you. Unanſwerable arguments are our miracles, and demonſtrations our prophecies. We foretell that, if you attend not to the voice of Chriſt, who ſpeaks to you, by means of our lips, you will ſuffer the puniſhment due to thoſe unfaithful ſervants, who, being told the will of their maſter, refuſe to obey it."

It was not very natural for the Catholicks to be readily convinced of the truth of this new doctrine. And thus we ſee the point in diſpute reduced to ſuch a ſtate, that it could not be determined. On the one ſide, the

Proteſtants ſtoutly maintained that their interpretations were ſo clear and evident, that nothing but wilful blindneſs could refuſe to admit of them. On the other, the Catholicks, that the trifling and futile arguments of a few individuals, ought not to ſet aſide or outweigh the authority of the whole Church; which had conſtantly been of a different opinion reſpecting the points in queſtion.

In this ſituation the affair remained, the diſpute turning upon the validity of the evidence; concerning which men will continue to differ in their ſentiments, till they all poſſeſs the ſame ſhare of experience and underſtanding.

It was not the buſineſs of the Catholicks to give the argument this turn. They would have more embarraſſed their opponents, if, without contending with them about the efficacy of their proofs, they had conteſted their right to bring them. They ſhould have replied to the Reformers in this manner:

"In the firſt place, gentlemen, your argument is a *petitio principii:* for if the force of your proofs be the only token of your miſſion, it follows that, with regard to thoſe who do not think them convincing, your miſſion is falſe; and we may legally puniſh you, as hereticks, falſe apoſtles, diſturbers of the peace of the Church, and of the repoſe of mankind.

"You ſay, you preach up no new doctrines; but pray, what are your new interpretations of the ſacred texts? To give a new

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ſenſe to the words of Scripture, is certainly to eſtabliſh a new doctrine. It is to change the very word of God: for certainly it is not in the mere ſound, but the ſenſe of the words, that revelation conſiſts; ſo that to alter the ſenſe of the words is in fact to alter revelation itſelf.

"Beſides, conſider how unjuſt and inconſiſtent you are. You acknowledge that miracles are neceſſary to authenticate a divine miſſion: and yet you, who, by your own confeſſion, are ſimple uninſpired individuals, imperiouſly ſet up for apoſtles ſent from God*. You claim the authority of interpreting the Scriptures juſt as you pleaſe, and deny us the ſame privilege. You arrogate to yourſelves an excluſive right as individuals, which you not only deny to each of us ſeverally, but to all of us aſſembled together in the conſtitution of the Church. What lawful title or pretenſions can you have to ſubject our pub-

* Farel declared in plain terms before the Epiſcopal Council at Geneva, that he was ſent from God. On which, one of the Members of the Council cried out, in the words of Caiphas, *He hath blaſphemed: What need of other witneſs? He is deſerving of death.* According to the doctrine of miracles, he ſhould have had one at hand to give in reply to that ſpeech. And yet Jeſus did not diſplay a miracle on that occaſion any more than Farel. Froment declared, in like manner, to the Magiſtrate who prohibited his preaching, that *it was better to obey the voice of God than that of man*, and continued to preach, in ſpite of the prohibition; a behaviour which certainly nothing could authorize but an expreſs command from God.

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lick to your private judgment? What intolerable arrogance and self-sufficiency is it to suppose yourselves, and yourselves only, always in the right, in opposition to the rest of the world; whom you will not permit to enjoy quietly their own opinions, though they think them as well founded as you can possibly think yours †. The distinctions with which you amuse us, would at best be tolerable, if you had only broached them as private opinions. But you make open war upon us; you blow up the fire of discord in every quarter. Not to be converted by your lectures, truly, is rebellious, idolatrous, and damnable. You preach, dogmatize, censure, anathematize, excommunicate, punish, and put to death: you exercise all the power and authority of prophets, and yet pretend only to be mere men. Shall you, who are mere innovators, upstarts of yesterday, take upon you to burn your adversaries at the stake, by the assistance of a few hundred misguided followers; and will you deny us the right of proceeding in like manner against ours, when we are supported by the unanimous consent of an hundred millions, and have the sanction

† Who, for instance was ever more imperious and decisive, or more divinely infallible, in his own opinion, than Calvin; who regarded the least contradiction, or objection to his doctrines as damnable, and deserving of the severest chastisement. Servetus was not the only person who lost his life, for thinking in a different manner from this tyrannical reformer.

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of antiquity for fifteen hundred years? No. No. Either ceaſe to talk and act as apoſtles, or produce your title to ſuch a character; otherwiſe, whenever we are the ſtrongeſt, we ſhall treat you, and that very juſtly, as impoſtors."

How could the Reformers have invalidated theſe arguments? For my own part, I know nothing they could reaſonably offer in their defence; but muſt either have been reduced to ſilence, or have had recourſe to miracles: A bad reſource for the friends of truth!

I conclude hence, that, to inculcate the neceſſity of miracles, as a proof of the divine miſſion of thoſe who preach up new doctrines, would be to ruin the credit of the Reformation. Thus am I falſely accuſed of having done that, which I have endeavoured to avoid.

I have not as yet ſaid all I intended on the chapter of Miracles; but what remains for me to ſay on that ſubject muſt not be divided; and the whole would make too long a letter, and it is now time to put an end to the preſent.

LETTER

LETTER THE THIRD.

I RESUME, Sir, the ſubject of miracles, which I have undertaken to inveſtigate with you; and having already proved, that to eſtabliſh their neceſſity would be to ſubvert proteſtantiſm, I ſhall now endeavour to find out their utility in proving the truth of revelation.

Mankind, having their heads ſo differently organized, cannot all be affected equally with the ſame arguments, particularly with regard to matters of faith. That which appears evident to one, ſometimes ſeems not even barely probable to another. One perſon, from his particular turn of mind, is ſtruck only by one kind of proof, and another only by proofs of a different nature. All may happen ſometimes to agree about the ſame things; but it is very ſeldom they agree for the ſame reaſons: a circumſtance which ſhews, by the way, how fooliſh a thing controverſy is in general; we might as well endeavour to make other people ſee with our eyes.

When God gives to man, therefore, a revelation which all are obliged to believe, it is neceſſary that it ſhould be founded on proofs adapted to them all; and which ought

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of courſe to be as different as the comprehenſions of thoſe who are to adopt them.

On this principle, which appears to me juſt and ſimple, it hath been found, that God hath given to the miſſion of his miniſters, thoſe characteriſtics which render their miſſion obvious to all mankind, high and low, wiſe and fooliſh, learned and ignorant. Thoſe among them, who have a brain capable of being affected by all its different characters, are doubtleſs very happy: but he who is affected only by ſome few is not to be complained of, provided he is ſufficiently ſtruck with them to be perſuaded of its truth.

The firſt, moſt important, and moſt certain of theſe characters, is deduced from the nature of the doctrine; that is to ſay, its utility, its beauty *, its ſanctity, its veracity, its ſublimity, and all thoſe other qualities

* I know not why the beautiful ſyſtem of morality that is to be found in our books, ſhould be imputed to the progreſs of philoſophy. That morality is taken from the Goſpel, and was Chriſtian before it was Philoſophical. The Chriſtians taught it, I confeſs, without practiſing it. But what do the Philoſophers more, except that of beſtowing upon themſelves a world of encomiums on this account; which, as they are repeated by nobody elſe, in my opinion prove but little. The precepts of Plato are often very ſublime, but how frequently is he miſtaken? And what ſtrange lengths do his errors carry him? As to Cicero, it can hardly be believed that Rhetorician could ever have given the world his Offices, had he not borrowed from Plato. The Goſpel alone is, with regard to morality, always certain, always true, always ſingular, and always conſiſtent with itſelf.

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which may ſerve to announce to mankind the inſtructions of ſupreme wiſdom, and the precepts of ſupreme goodneſs. This characteriſtick is, as I have ſaid, the moſt certain and infallible; carrying with it a proof that diſpenſes with every other, but it is the moſt difficult to eſtabliſh: it requires that ſtudy, reflection, knowledge, and inveſtigation, which appertain only to men of logick and learning.

The ſecond characteriſtick is in that of the perſons being choſen by God to announce his word. Their holineſs of life, their veracity, their probity, ſpotleſs purity of their manners, their virtues unſullied by human paſſions; theſe, together with the qualities of underſtanding, genius, knowledge, and prudence, are ſo many reſpectable indices, the union of which forms a compleat proof in their favour, and tells us they are more than men. This is the moſt ſtriking ſign in the eyes of thoſe honeſt people, who conceive the truth always to exiſt with juſtice, and hear the voice of God only from the lips of virtue. This character hath alſo its degree of certitude; tho' it is not impoſſible it ſhould deceive; for it is nothing uncommon to ſee an impoſtor abuſe the credulity of honeſt people; nor even for an honeſt man to deceive himſelf, when fired by the ardour of an holy zeal which he may miſtake for inſpiration.

The third characteriſtick of perſons ſent from God, is an emanation of the divine power, capable of interrupting and changing the ordinary courſe of nature, at the will of thoſe who are poſſeſſed of it. This character

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is indisputably the most brilliant of the three, the most striking and captivating at first sight: that, which, displaying itself by a sudden and sensible effect, seems to require less discussion and examination. For this reason it is that, which, in a peculiar manner, affects the common people, incapable of solid argument, and careful observation, and in every respect slaves to sense. It is this very circumstance, however, that renders this character equivocal; as will be proved hereafter: and, in fact, provided it strikes those whom it was intended to affect, what signifies it, whether it be apparent or real? This is a distinction they are not in a capacity to make; which shews that there is no mark truly certain, but that which is deducible from the doctrine; and that of course none but good reasoners can have a sure and solid faith: but so it is that divine goodness makes up for the weakness of the vulgar, and supplies them with proofs ready made to their hands.

I stop here, without enquiring whether this enumeration might, or might not, be carried farther. This would be an enquiry foreign to the present purpose: for it is clear that when all these characteristicks are united, they are sufficient to persuade, as well the learned and good, as the vulgar; and indeed all mankind, except ideots and madmen incapable of reason, and the wicked, who would not be convinced by reason.

These characters are then proofs of the authority of those who are possessed of them: they are the grounds on which we are obliged

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to believe in what they say. When all this is done, the truth of their mission is established, and they are privileged to act as missionaries from God. The proofs are the means, the credit due to the doctrine is the end. Provided therefore the truth of the doctrine be admitted, it is a most ridiculous thing to dispute about the number and choice of the proofs; and if I am persuaded by one, it is time thrown away to endeavour to make me adopt others. It would at least be very ridiculous to pretend that a man does not believe what he professes to believe, because he does not believe it precisely for the same reasons that we do.

These appear to me clear and incontestible principles. Let us proceed to their application. I have declared myself a Christian; my persecutors say I am none. They prove that I am no Christian because I reject revelation, and they prove that I reject revelation because I do not believe in miracles. But one of these two things is necessary, in order to make this consequence just. Either miracles must be the only proof of revelation, or I must equally reject also the other proofs by which it is attested. Now it is not true that miracles afford the only proofs we have of the truth of revelation; and it is not true that I reject the other proofs; as, on the contrary, they are maintained in the very work, wherein I am accused of endeavouring to subvert revelation *.

* It is necessary to remark, that the Vicar, as a Catholick,

This is preciſely the ſtate of the caſe. Theſe gentlemen, determined to make me reject revelation in ſpite of myſelf, reckon as nothing that I admit it on ſuch proofs as appear convincing to me, unleſs I admit it alſo on thoſe which do not convince me, and becauſe they do not, they ſay I reject revelation. Can any thing be conceived more unjuſt, or more extravagant? Judge yourſelf alſo if I have ſaid too much; when they impute it to me as a crime, that I do not admit, as a proof, what Jeſus did not give, but which he expreſsly refuſed.

He did not announce his coming at firſt by miracles, but by preaching. At twelve years of age he diſputed in the temple with the doctors; ſometimes aſking them queſtions, and at others ſurprizing them with the ſagacity of his replies. This was the commencement of his functions, as he himſelf declared to his mother and to Joſeph *. He preached to the people the kingdom of heaven †, before he worked any miracle in the country, and had gathered together ſeveral diſciples, without having given them any ſign of the authority of his miſſion; the firſt miracle he

Catholick, might make many objections that would be none to a Proteſtant. Thus the ſcepticiſm, in which he remains, does by no means prove mine; particularly after the very expreſs declaration which I have made at the cloſe of the ſame paper.

* Luke, chap. xi. ver. 46, 47, 49.

† Matth. chap. iv. ver. 17.

worked

worked, being, as we are told, at Cana in Galilee *.

In the future display of his miraculous operations, they were shewn chiefly on particular and private occasions; the choice of which was so far from appearing to make them serve as a publick testimony of his power, that whenever they were expressly demanded of him for that purpose, he always refused them. To prove this, turn to the history of his life; remark in particular his own personal declaration on this subject; which is so full and decisive, that you will find nothing to reply to it.

He was far advanced in his career, when the doctors, seeing him openly act the part of a prophet among them, thought proper to ask of him a sign, or proof of his mission. What should Jesus have answered according to your gentlemen? Doubtless this: "You ask of me a sign, you have already had an hundred. Do you believe I should come among you and declare myself your Messiah, without first giving some testimony of my being such; as if I intended to force you to deny me, and to make you err involuntarily? No. Cana, the Centurion, the Lepers, the Blind, the Paralitic, the Loaves and Fishes, all Galilee, all Judea, are able to depose in my favour. There

* John. chap. ii. ver. 11. I can hardly think any person will place in the number of publick signs or his mission, his Fast of forty days, and being tempted by the devil.

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are my ſigns and credentials, why do you affect ignorance of them?"

Inſtead of ſuch an anſwer, we find, Sir, that Jeſus only made the following:

"A wicked and adulterous people demand a ſign, and it ſhall not be given them." Again, in another place, he adds: "No other ſign ſhall be given them than that of Jonas the prophet;" and then, turning his back on them, he departed *.

Thus we ſee how Jeſus, from the firſt condemning the madneſs of hunting after miracles, treated thoſe who demanded them. Nor did this happen once only, but many times †. Now according to the ſyſtem of your miniſters, this demand was very reaſonable and lawful, why then ſhould he inſult thoſe who made it?

In whom now ſhould we place confidence in this particular? On thoſe, who maintain that, not to admit of miracles as a proof of the divine miſſion of Jeſus, is to reject the Chriſtian revelation, or on Jeſus himſelf, who expreſsly declared he hath no ſign to give.

They will aſk, what then is the ſign of Jonas the Prophet? I anſwer it is his preach-

* Mark viii. 12. Matth. xvi. 4. For brevity's ſake, I have quoted theſe paſſages together; but I have preſerved that diſtinction between them which is eſſential to the queſtion.

† Compare the following paſſages, Matth. xii. 39, 41. Mark viii. 12. Luke xi. 29. John ii. 18, 19. iv. 48. v. 34, 36, 39.

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ing to the Ninivites, exactly the same sign which Jesus made use of to the Jews, as he himself explains it *. No sense can be given to the second passage but what is consistent with the first; if there were, Jesus would be made to contradict himself. Now in the first passage, wherein they demand a miracle as a sign, Jesus says positively he will give them none. In the second passage, therefore, he cannot mean any miraculous sign.

Will they insist that a third passage explains this sign by the resurrection of Jesus †? I deny it; it explains it at most by his death. Now the death of a man is no miracle; nor is it even a miracle that a body should be taken out of the grave three days after its interment. Not a word is said, in this passage, of the resurrection. Besides, what kind of proof would that be to authenticate himself during life, by a sign which was to happen after his death. This would be, indeed, to hide his candle under a bushel, and to lay out for nothing but Infidels. As such conduct would be unjust, this interpretation would be impious.

Besides, the unanswerable argument still remains. The sense of the third passage ought not to be inconsistent with the first; and in the first it is positively affirmed no sign shall be given of any kind. After all, be this as it may, it is sufficiently proved, by the testimony of Jesus himself, that if he did work miracles

* Matth. xii. 41. Luke xi. 30, 32.
† Matth. xii. 40.

during

during his life time, he did not do it in proof of his miſſion.

Every time the Jews inſiſted on this kind of proof he always ſent them away with contempt, without condeſcending to grant their requeſt. He did not even approve of their taking his works of charity in that ſenſe. "Except ye ſee ſigns and wonders, ye will not believe," ſaid he to the nobleman who begged of him to cure his ſon*. Would he have ſpoke in this manner, if he had profeſſed to give miracles as proofs of his miſſion? Was it not very aſtoniſhing, if he had given ſo many ſuch, that the people ſhould continue to demand them of him? "What ſign ſheweſt thou, then," ſaid the Jews to him, "that we may ſee and believe thee? Moſes gave our forefathers manna in the wilderneſs; but what work do'ſt thou†?" This, according to the notions of your Miniſters, is juſt the ſame as if a perſon ſhould abſurdly, and, ſetting Majeſty aſide, addreſs the King of Pruſſia in the following terms: "The world ſays you are a great General; but why ſo? What have you done to ſhew yourſelf ſuch? Guſtavus was conqueror at Leipſig and at Lutren; Charles at Frawſtadt and at Narva; but where are thy monuments? What victory haſt thou obtained? What place haſt thou taken? What marches, what campaigns have done you honour? What right have you to the title of Frederick the Great?" The im-

* John iv. 48. † John vi. 30, 31, & ſeq.

pertinence of such an harangue is too obvious, for us to suppose any person of common sense could be guilty of it.

And yet, without putting to shame those persons who were guilty of the like, without working any miracle, without edifying them even by those he had worked, Jesus contented himself with allegorizing on the bread of Heaven. Thus his reply was so far from procuring to him new disciples, that several of those he had, and who doubtless were of the opinion of your Theologues, left him. Nay, this desertion was so general, that he even said, by way of reproach to the Twelve, "Will ye also go away?" He does not appear to have the conservation of those much at heart, who could not be retained without the force of miracles.

The Jews demanded a sign from heaven, and according to their system they were in the right. The sign, which should authenticate the coming of the Messiah, could not be too evident and decisive; could not be too free from suspicion, nor have too many ocular witnesses. As the immediate testimony of God is always better than that of men, they might depend with more certainty on the sign itself, than on the testimony of people, who might report their having seen such a one; and for this reason a sign from heaven was preferable to any thing done upon earth.

The Jews therefore acted with a reasonable view, because they wanted an apparent and wonderful Messiah. But Jesus answered them,

them, in the words of the Prophet, that the kingdom of heaven, did not come attended by external ſhew; that he who foretold it, did not cry it aloud, nor would his voice be heard in the ſtreets. All this does not ſavour of the oſtentation of working miracles: nor was it the end he propoſed by his. He neither gave them the ſplendor nor the authenticity, neceſſary to aſcertain them for true ſigns, becauſe he did not give them out as ſuch. On the contrary, he enjoined the ſick perſons he cured, the lame which he reſtored, and the demoniacks he had delivered, to keep their recovery a ſecret. It ſeems rather that he wanted to keep his power of working miracles unknown: it will at leaſt be acknowledged, that it was a ſtrange method of giving proofs of his miſſion.

But all this explains itſelf, when we reflect, that the Jews required ſuch a kind of proof, as Jeſus did not intend ſhould exiſt. "Whoſoever receiveth not me," ſays he, "will be judged." Doth he add "the miracles which I have worked will be witneſſes "againſt you?" No; but "the word which I "have preached unto you, will be your condemnation." The proof of Jeſus's miſſion, therefore, is in his word; and not in his miracles.

We learn from the Goſpel, that the miracles of Jeſus were all uſeful; but they were performed without noiſe, without preparation, and without pomp; they were ſimple as his diſcourſe, his life, and all his conduct. The moſt apparent, the moſt palpable of all, was

indiſputably that of the five loaves and two fiſhes, with which he fed five thouſand perſons. His Diſciples were not only eye-witneſſes of this miracle, but were in a manner inſtrumental in its operation; and yet they did not ſo much as think of ſuch a thing, or ſuſpect it. Is it to be conceived, that an action ſhould be intended as a remarkable token to mankind, to which its moſt immediate witneſſes did not pay the leaſt attention *.

It ſhould ſeem, indeed, that the real deſign of the miracles of Jeſus was ſo far from being that of eſtabliſhing a belief in him, that he began by requiring that belief, before he would work any miracle. Nothing is ſo frequent in the Goſpel. It is preciſely for this reaſon; it is becauſe a Prophet has no honour in his own country that Jeſus wrought few miracles in his †; it is even ſaid that he could not do it, on account of their incredulity ‡. How is this? It was on account of their incredulity that he ſhould have done the more, in order to convince them, if that had been the deſign of his miracles; but it evidently was not: They were ſimply acts of goodneſs, of charity, of benevolence, which he did in favour of his friends, and of thoſe who believed in him. It was in ſuch acts

* Mark vi. 52. It is ſaid, *they conſidered not the miracle of the loaves, for their heart was hardened.* But who will preſume to boaſt they have hearts more ſuſceptible of ſacred things than the choſen Diſciples of Jeſus?

† Mark vi. 5. ‡ Matt. xiii. 58.

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that conſiſted thoſe works of mercy, which were truly worthy of him, and which he ſaid bore teſtimony of him*. Theſe works diſplay the power of doing good to mankind, rather than a deſign to ſtrike them with aſtoniſhment: they are virtues † rather than miracles. And can it be ſuppoſed that ſupreme wiſdom would take means ſo contrary to the end which it propoſed? How comes it about, it ſhould not foreſee that the miracles, on which it would found the authority of its miſſionaries, ſhould produce a contrary effect? that they would render the truth of the whole hiſtory ſuſpected, as well with regard to the miracles, as to the miſſion; and that amidſt ſo many ſolid proofs, this would only make ſenſible and ingenuous perſons more ſcrupulous with reſpect to the reſt? Yes, I will conſtantly maintain it, that the ſupport, which is by this means intended to be given to our faith, is the greateſt obſtacle it has to encounter. Take away the miracles from the Goſpel, and the whole world would immediately become Chriſtians ‡.

* John x. 25, 32, 38.

† This is indeed the meaning of the original word made uſe of in Scripture, and which our tranſlators have rendered miracles.

‡ When Paul was preaching to the Athenians, he was heard very patiently, till he ſpoke of a man raiſed from the dead; when ſome of his auditors ſmiled; and others ſaid, *It is ſufficient, we will hear the reſt another time.* I know not well what theſe our faſhionable good Chriſtians really think in their

You ſee, Sir, it is atteſted by the Scripture itſelf, that with regard to the miſſion of Jeſus Chriſt, the miracles are not ſigns ſo neceſſary to our faith, that we may not believe in that, without admitting of them.

We agree that other paſſages offer a ſenſe contrary to theſe; the ſenſe of theſe is as directly contrary to them; ſo that, making uſe of my undoubted privilege, I have made choice of that ſenſe, which appears to me the moſt clear and rational. Had I the vanity to think of explaining every thing, I might, like a true Theologue, torture and twiſt every paſſage into my meaning; but ſincerity doth not permit me to make ſuch ſophiſtical interpretations. My own ſentiments being ſufficiently authorized by what I comprehend *.

hearts; but, if they believe in Chriſt, on account of his miracles; I, for my part, believe in him, in ſpite of his miracles; and I have a notion that my faith is ſtill better than theirs.

* Nor is my opinion ſo very ſingular, but that it is common to many divines, whoſe orthodoxy is better eſtabliſhed than that of the clergy of Geneva. Here follows an extract from a letter, which one of thoſe Divines wrote me, on this ſubject, the 28th of February, 1764.

"Whatever may be advanced by the herd of our modern apologiſts for Chriſtianity, I am perſuaded that there is not a ſingle word in the holy Scriptures, from which it may be juſtly concluded that the miracles were intended to ſerve as proofs to all men, at all times, and in all places. So far from it, it was not, in my opinion, their principal object with reſpect even to thoſe who were actually eye-witneſſes of them. When the Jews demanded a miracle of St.

I remain perfectly at eaſe with regard to what I do not; and what thoſe who pretend to explain it, comprehend as little as myſelf. The authenticity which I aſcribe to the Goſpel, I aſcribe not to the interpretations of men; and I no more intend to ſubject their opinions to mine, than I mean to ſubmit mine to theirs. The injunction itſelf is general, and clear in its import. The underſtanding, which explains it, is particular; and every perſon hath his own, which hath no authority over any but himſelf. To ſuffer ourſelves to be influenced by others in this matter, is to ſubſtitute the interpretation in the place of the text; it is to ſubmit our judgments to the opinions of men, not to the revealed will of God.

St. Paul, all his anſwer was, the preaching of Chriſt crucified. Had Grotius, Vernes, Vernet, or the preachers of the Boyleian lecture been in the place of this Apoſtle, they would have been very earneſt to have found means to ſatisfy a demand, which ſuits ſo well with their principles. Theſe people think they do wonders with their numerous arguments; but I hope it will one day become a matter of doubt whether they were not compiled by a ſociety of Infidels; without there being any neceſſity for another Father Hardouin."

Let it not be thought that the author of this letter is a partizan of mine. So far from it, he is one of my adverſaries. He finds only that the others know not what they are about. Or perhaps he ſuſpects ſtill worſe; for the faith of thoſe, who believe on the ſtrength of miracles, will even be thought ſuſpiciouſly of by men of knowledge and judgment.

But I ſhall return to my argument; and having thus determined that miracles are not a ſign neceſſary to faith, I ſhall proceed to ſhew, in confirmation of it, that miracles are not an infallible ſign, or one of which men are capable to judge.

A miracle is, in a particular fact, an immediate act of divine power, a ſenſible change in the order of nature, a real and viſible exception to its laws. Such is the idea, from which we muſt not wander, if we would be underſtood in reaſoning on this ſubject. Now this idea preſents two queries; which it is neceſſary for us to reſolve. The firſt is, Can the Deity work miracles? that is to ſay, Can he break through thoſe laws which he hath eſtabliſhed? To treat this queſtion ſeriouſly would be impious, if not abſurd; to puniſh the man, who ſhould reſolve it in the negative, would be doing him too much honour: he ſhould be confined to ſtraw and a dark chamber. But then who hath ever denied the power of the Deity to work miracles? A man muſt be a very Jew, to aſk if God almighty could ſpread a table in the wilderneſs?

The ſecond queſtion is? Would the Deity work miracles? This is another thing. This queſtion, conſidered merely in itſelf, is perfectly indifferent. It by no means intereſts the glory of God, whoſe deſigns we cannot penetrate. I will go ſtill farther, and ſay, if there were any difference with regard to faith, in the manner of anſwering it, the higheſt ideas

ideas we can entertain of the wisdom and majesty of the divine Being, would induce us to reply in the negative. It is nothing but human vanity that could object to it. Thus far can reason go, and no farther. As for any thing else, this question is futile and frivolous; as, in order to resolve it, we ought to be able to read the eternal decrees of Heaven; for, as we shall see presently, it is impossible to determine it by facts. Let us therefore beware of looking too curiously into these mysteries. Let us pay so much respect to the infinite Essence, as to come to no determination about an object, of which we know nothing but its immensity.

And yet when a mere mortal comes to us, and boldly affirms that he hath seen a miracle, he determines this great question at once: Judge then, if he ought to be believed merely on his own word. If there were a thousand, I should not believe them.

I do not trouble myself about the gross sophistry, of employing moral proofs to ascertain facts that are physically impossible; as in that case the very principle of credibility, founded on natural possibility, is in fault. Though men are willing, in such a cause, to admit of this proof in matters of mere speculation, or in regard to facts that are in no wise interesting, we may be assured they would be more difficult with respect to any thing that in the least affected their temporal interest. Let us suppose that a dead man should return to demand his estate and effects

of his heirs, affirming that he is reſtored again to life, and requiring to be admitted to prove it *: Is there a tribunal upon earth would grant him leave? But not to enter as yet into this controverſy. We will admit the facts to have all the certitude aſcribed to them, and content ourſelves with diſtinguiſhing between what is apparent to the ſenſe, and what is deducible from reaſon.

As a miracle is an exception to the laws of nature, it is neceſſary, in order to enable us to judge of it, that we ſhould be fully acquainted with thoſe laws; and in order to judge of it with certainty, that we ſhould be acquainted with them all. For, if there ſhould be but one we are ignorant of, it may in ſome circumſtances unknown to the ſpectators alter the effect of thoſe which may be known. Hence every one, who takes upon him to ſay that ſuch or ſuch an act is a miracle, declares himſelf to be perfectly acquainted with all the laws of nature, and that he knows this act to be an exception.

But where is the man who knows all the laws of nature? Newton himſelf never pretended to ſuch knowledge. A ſenſible man, being witneſs to an unheard of fact, may affirm that he ſaw ſuch a fact, and we may believe him. But neither that ſenſible man,

* It is particularly to be obſerved, that in this ſuppoſition is meant a real and abſolute reſurrection, and not the return of a man ſuppoſed to be dead.

nor

nor any other ſenſible man upon earth, will take upon him to affirm that ſuch fact, how new and aſtoniſhing ſoever, is a miracle: for how can he know it?

The moſt that can be ſaid in favour of a perſon, who boaſts his working miracles, is, that he does things very extraordinary; but who will deny the poſſibility or reality of things very extraordinary? I have myſelf ſeen, and even done them*.

New diſcoveries are daily made in the operations of nature; while human induſtry is hourly proceeding towards perfection. The curious art of chemiſtry alone hath its tranſmutations, precipitations, detonations, ex-

* In the year 1743, I ſaw, at Venice, a new and ſtranger method of diſcovering fortunes than thoſe of Preneſte. The perſon who would make uſe of it, went into a chamber and there remained alone if he deſired it. Upon a table lay a book full of blank leaves, of which he took out any one at pleaſure: then holding the leaf in his hand, he demanded not aloud, but mentally, what he wanted to know. After which he folded up his blank leaf, ſealed it, and placed it again in the book thus ſealed. He proceeded then to repeat a ſet form of barbarous odd-ſounding words, without the book's being taken out of his ſight. He then took out the paper, ſaw the ſeal was unbroken, opened it, and found the anſwer to his queſtion written therein.

The magician, who managed this piece of conjuration, was the firſt Secretary to the French Ambaſſador, and his name was J. J. Rouſſeau. I contented myſelf with being a conjurer, becauſe I was modeſt; but if I had had the ambition of becoming a Prophet, what could have prevented me?

ploſions, its phoſphorus, its earthquakes, and a thouſand other wonders, to operate on the beholders. The oil of guaiacum and ſpirit of nitre are liquids not very uncommon: mix them together, and you will ſee what will happen. But beware of making this experiment in a chamber, leſt you ſet fire to the houſe *. Had the prieſts of Baal had Mr. Rouelle among them, their altar had taken fire alſo, and Elias had been duped.

Mix two certain limpid and tranſparent fluids together, and they become inſtantaneouſly black as ink. Again, mix two others together, and they will be converted into a ſolid opaque body. If a prophet of the College of Harcourt ſhould go into Guinea, and ſay to the people; "Acknowledge the power of him who ſent me; behold, I am able to convert water into ſtone;" and then, making uſe of means known to the mereſt tyro in phyſical experiment, he ſhould convert water into ice: Would not the Negroes be all ready to adore him?

The Prophets of old brought down fire from Heaven at their demand; in theſe times we ſee children do the ſame by means of a little bit of glaſs. Joſhua made the Sun ſtand ſtill; a modern almanack-maker makes him undergo an eclipſe; a much more palpable prodigy. The Cabinet of the Abbé Nollet

* There are ſome precautions to be taken in order to ſucceed in making this experiment; but I imagine I ſhall be excuſed from giving the recipe here.

is a laboratory of magick, and the mathematical recreations are a collection of miracles. Nay, the very fairs ſwarm with miracle-mongers; the North-Holland boor, whom I have ſeen twenty times light a candle with his knife, hath the means of ſubjecting a whole people, even at Paris. What do you think he might not have done in Syria?

The fairs of Paris afford a very ſingular entertainment. Not one paſſes without preſenting the moſt aſtoniſhing ſights; to which the publick hardly pay any attention: ſo much is it accuſtomed to ſee wonderful ſights, and even thoſe it is incapable of comprehending. While I am now writing, there are to be ſeen two ſeparate portable machines, one of which walks about, or ſtands ſtill, at the pleaſure of the perſon who moves the other. I have ſeen a wooden head that ſpoke, and yet was as little talked of as that of Albert the Great. I have even ſeen a thing ſtill more ſurprizing; which is that of men, learned, academicians, running in crowds after miracles and convulſionaries, and returning highly aſtoniſhed and edified.

With ſuch inſtruments as Cannon, the Loadſtone, the Barometer, and optical Inſtruments, what prodigies might not be worked among ignorant people? The Europeans have, in conſequence of their arts, always paſſed for Gods among the Barbarians. And yet, if in the midſt even of theſe arts, of ſciences, colleges, and academies; if in the midſt of Europe, in France or in England, a perſon had ſtarted up,

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in the laſt century, armed with all thoſe miracles of Electricity, which are now common to the meaneſt of our experimentaliſts, it is certain he would have been burnt for a ſorcerer, or followed as a prophet.

I know not if the art of healing be diſcovered; or whether it ever will: but I know that it is not out of nature. It is certainly as natural for a man to grow well as to fall ſick: he may alſo be as well cured ſuddenly as die ſuddenly. All that can be ſaid againſt certain cures, therefore, is, that they are very ſurprizing; but not that they are impoſſible; how do you prove, then, that they are miraculous? I muſt, confeſs, however, that there are things which would aſtoniſh me much, were I an eye-witneſs of them. Not that I ſhould be ſo much aſtoniſhed to ſee a lame perſon enabled to walk, as to ſee one walk who had no legs; or to ſee a man ſtruck with the palſy move his arm, as to ſee a man who had but one arm, have two. This, I own, would ſtrike me much more than the raiſing a man from the dead: for, after all, a dead man may not be actually dead *. See the book of Mr. Bruhier.

* *Lazarus was already buried.* But was he the firſt man that ever was buried alive? *He had been in the grave four days.* Who had counted them? Jeſus had not been abſent. *He already ſtunk?* How do we know that? His ſiſter ſaid ſo. That was all the proof. The fright and diſguſt might have made any other woman ſay the ſame, even though it had not been true. *Jeſus only called to him, and he came forth.* Let us beware of falſe reaſoning. We are ſpeaking of a miracle, a phyſical impoſſibility; but this is not ſuch.

Jeſus

However ſtriking ſuch a ſight might be, I would not ſee it for all the world; for, how do I know what might happen? Inſtead of making me a believer, it might poſſibly make me crazy: but I am not here to talk of myſelf. Let us return.

There hath been lately diſcovered a method of recovering perſons to life, after they have been drowned: a method hath been alſo attempted to recover ſuch as have been hanged. Who knows but means may be found to reſtore life to perſons dying from other cauſes? The art of removing a cataract was formerly unknown; at preſent it is familiar to the ſurgeons. Who knows but there may be a method, at preſent unknown, to remove it inſtantaneouſly. Who knows if the poſſeſſor of ſuch a ſecret might not do that with ſimplicity, which an ignorant ſpectator might take for a miracle, and a partial writer relate as ſuch †. All this,

Jeſus made much more preparation in other caſes that were not more difficult. See the following note. Why this difference if all were equally miraculous? The preſent may poſſibly be an exaggeration; nor is it the greateſt St. John hath made; witneſs the laſt verſe of his Goſpel.

† We ſometimes find in the circumſtances of theſe relations, a gradation that by no means agrees with a ſupernatural operation. When a blind man is preſented to Jeſus, inſtead of curing him inſtantaneouſly he takes him out of the crowd. There he anoints his eyes with ſpittle, and lays his hand on him; after which he aſks the man if he ſees any thing. The blind anſwers, that he ſees men walking about, that look like trees. On which, concluding that the firſt ope-

you will say, is improbable: be it so. We have no proof that it is impossible, and we are here talking of a physical impossibility. Without this, the Deity, in displaying his power, could give us only apparent signs, and simple probabilities: and it would thence follow, that the authenticity of miracles being founded only on the ignorance of those for whom they were intended, what might be miraculous to one age or people, would not be so to others; so that, the proof being deficient in point of universality, the system built on it must fall to the ground. No, give me miracles that will remain such, whatever happen, in all times and in all places. If many of those which are recorded in the Bible, appear to stand in this predicament, there are others which do not. Answer me, then, most learned Theologist, do you insist that I shall take them all in the lump; or do you permit me to pick and chuse? When

operation had not been sufficient, Jesus repeated it; and the man was cured. At another time, instead of employing mere spittle, he mixed it with clay.

Now, I ask how all this was necessary to the working of a miracle? Could nature resist the will of her master? Was he obliged to exert any force or perseverance, to make himself obeyed? Had he occasion for spittle, clay, or other ingredients? Had he even occasion to speak aloud? Was it not sufficient that he should mentally will the deed to come to pass? Or shall we presume to say that Jesus, though certain of his fact, made use of the petty arts of a mountebank, in order to display his skill to greater advantage, and amuse his spectators? And yet, according to the notions of your Ministers, it is necessary for us to do one or the other.

you

you have determined this point, we ſhall ſee farther.

You will pleaſe to obſerve, Sir, that, in ſuppoſing at moſt an amplification of circumſtances, I do not found any doubt at bottom, of the reality of the facts. Having ſaid this before, it is indeed ſuperfluous to repeat it. Jeſus, enlightened by the Spirit of God, was poſſeſſed of knowledge ſo ſuperior to that of his diſciples, that it is not ſurprizing if he did many extraordinary things, of which the ignorance of the ſpectators made prodigies, though they were really none. How far alſo might he not go, by virtue of theſe ſuperior lights, in acting by means new and unknown to them, as well as to us *. This is what we neither know, nor are able to know. The ſpectators of marvelous things are naturally led to cry them up with exaggeration. In deceiving others on this head, therefore, men may frequently, without ill intention, deceive themſelves. When things are ever ſo little above our own knowledge or comprehenſion, we are apt to think them above that of human reaſon

* Our Divines ſtrongly inſiſt, that I have repreſented Jeſus as an impoſtor; affecting warmth in their anſwers to this ſcandalous accuſation, in order to make it believed that I am guilty. Pious creatures! How would theſe candid Chriſtians triumph if they could pick up a word of blaſphemy in my writings! What ſatisfaction, what edification it would give their charitable ſouls! With what holy joy would they bring matches, lighted by their zeal, to burn me at the ſtake!

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in general, and the mind is at length induced to ſee a prodigy, where the heart is ſo ſtrongly inclined to find one.

Miracles, as I have already obſerved, are proofs calculated for the weak and ſimple, for whom the laws of nature form a very narrow circle round them. But this ſphere extends in proportion as men grow enlightened, and as they come to perceive how much remains for them to know. With the natural philoſopher the limits of this ſphere are at ſo great a diſtance, that he ſees no miracle within them. *That cannot be*, is an expreſſion ſeldom made uſe of by the ſages; with whom it is more frequent to ſay, *I don't know.*

What ought we, therefore, to think of the many miracles related by authors; honeſt, I doubt not, but ſo very ignorant, and ſo full of zeal for the glory of their maſter? Ought we to reject all their facts entirely? No. Ought we to admit of them entirely? I cannot pretend to determine *. We ought to reſpect

* There are ſome recorded in the Goſpel, which it is abſolutely impoſſible to take in the literal ſenſe, without giving up our underſtanding. Such, for example, is the ſtory of the Demoniacs. The Devil is known by his works, and the actually poſſeſſed are the wicked. Reaſon will never acknowledge any other. But to go on.

Jeſus demands of a groupe of Demons, what is their name? How, have the Devils names? Have Angels names? Have pure ſpirits names? Doubtleſs they have names among themſelves, to call each other by. But who gave them thoſe names? In what language are the words? Whoſe lips pronounce them?

Whoſe

them, without deciding any thing of their nature, though we ſhould be ever ſo often proſecuted for it. For, after all, the authority of the laws cannot extend ſo far as to oblige us to reaſon falſely; and yet this we muſt do to find a fact miraculous in which reaſon ſees only ſomething extraordinary.

What if it were true that the Catholicks have a certain way to make this diſtinction with reſpect to themſelves, how would this affect us? According to their notions, when the Church hath once determined any particular fact to be a miracle, it is a miracle; for the Church is infallible. But I have not to do at preſent with Catholicks, but with Proteſtants. The latter have very properly refuted ſome parts of the Vicar's profeſſion of faith; which, being written only againſt the Roman Church, neither can nor ought to prove any thing againſt

Whoſe ears are affected by the ſound? Their name was *Legion*, for they were many; a circumſtance which Jeſus apparently did not know. Theſe Angels, theſe ſublime intelligences as well in evil as good, theſe celeſtial beings, which could revolt againſt God, who dared to contravert his eternal decrees, were lodged all huddled together in the body of a man: Which being compelled to abandon, they beſought leave to enter into a herd of ſwine. This leave being granted them, the ſwine precipitated themſelves into the ſea and were drowned. Are ſuch the auguſt proofs of the miſſion of the Redeemer of mankind, thoſe proofs which ought to certify it to all people, in all ages, and of which none are permitted to doubt? Good God! Is it poſſible to think it? And are theſe, Gentlemen, the grounds of your faith? Mine appear to me much more certain.

them.

them. The Catholicks may, in like manner, eaſily refute theſe letters, becauſe I have here nothing to do with the Catholicks, and our principles are by no means theirs. When my adverſaries come to ſhew that I have not proved, what in fact I did not intend to prove; here they triumph.

From what is here advanced, I conclude, that mere facts, though ever ſo well atteſted, and admiſſible in all their circumſtances, ſerve to prove nothing; and that we may ſuſpect an exaggeration of their circumſtances, without ſuſpecting the ſincerity of thoſe who have related them. The diſcoveries which are daily making in the laws of nature, thoſe which probably will be made hereafter, and thoſe which may ever remain to be made; the paſt and preſent progreſs of human induſtry; the different bounds which people ſet to the poſſible and impoſſible, according as they have more or leſs knowledge; all theſe things ſerve to prove that we are unacquainted with thoſe bounds. And yet, in order to a miracle's being really ſuch, it muſt ſurpaſs them. Whether there be truly any miracles or not, therefore, it is impoſſible for a wiſe man to be aſſured that any fact whatever is truly ſuch.

Independent of the proofs of that impoſſibility which I endeavour to eſtabliſh, there is another no leſs forcible in the ſuppoſition itſelf. For, ſuppoſing that real miracles have been performed, of what utility can they be, if falſe miracles are alſo recorded, and we are incapable to diſtinguiſh them from the true? It is to

be

be obſerved here, that I do not call a falſe miracle a fact that hath not really happened, but a ſupernatural operation effected to ſupport a falſe doctrine. As the word *miracle*, taken in this ſenſe, may be offenſive to pious ears, let us employ another word, and give ſuch facts the name of *deluſions*. But let it be remembered, that it is impoſſible for human ſenſe to diſcern a deluſion from a miracle.

The ſame authority which confirms the miracle confirms alſo theſe deluſions; proving farther that to all appearance they differed in nothing from the miracles themſelves. How then were they to be diſtinguiſhed one from the other? and who could prove the miracle, if the eye-witneſſes of it could not diſcover, by any certain token deduced from the thing itſelf, whether it were the work of God or the work of the devil? It would require a ſecond miracle to certify the firſt.

When Aaron threw down his rod in preſence of Pharaoh, and it was changed into a ſerpent, the magicians of the court threw down their rods, and they became ſerpents likewiſe. Now, whether this change was real on both ſides, as is related in Scripture; or whether it were only a real miracle on the ſide of Aaron, and the deluſion of the magicians was merely apparent, as the divines affirm, it is no matter: the appearance of both was exactly the ſame. The book of Exodus makes no mention of any difference; and if there had been any, the magicians would have been careful of expoſing themſelves by the compariſon; or, if they

they had done it, would of courſe have been confounded.

Now mankind cannot judge of miracles but by their ſenſes, and if their perception be the ſame, the real difference which they cannot perceive, paſſes for nothing. Thus the ſign, merely as a ſign, proves no more on one ſide than on the other; and the prophet hath no more advantage in this than the magician. If you will impute the force of this argument to my fine ſtile, you muſt agree it requires a much finer to refute it.

It is true that the ſerpent of Aaron devoured the ſerpents of the magicians. But if the force of magick were admitted, Pharaoh could conclude nothing more from what he ſaw, than that Aaron was a greater maſter in his art. Thus Simon, delighted with the wonderful things done by Philip, wanted to purchaſe of the Apoſtles the ſecret of doing like them.

Beſides, the inferiority of the magicians aroſe only from the preſence of Aaron. When Aaron was abſent, they, by producing the ſame ſigns, had an apparent right to pretend to the ſame authority. The ſign in itſelf, therefore, proved nothing.

When Moſes changed the water into blood, the magicians changed the water into blood. When Moſes produced frogs, the magicians produced frogs. They failed, indeed, in attempting the third plague. But let us confine ourſelves to the two firſt, which God himſelf hath made

made the proof of his divine power *. The magicians alſo produced this proof.

As to the third plague, which they could not imitate, it is not very evident what could render it ſo difficult, ſo far as to point out the finger of God in the exception. Why ſhould not thoſe who were able to produce an animal, be able to produce an inſect? And how comes it, that after having produced frogs, they ſhould not be able to produce lice?

The ſame Moſes, inſtructed by all theſe experiments, declares, that if a falſe prophet ſhould come to preach any other gods, that is to ſay, a falſe doctrine, and that if this falſe prophet ſhould confirm what he ſays by prophecies or miracles, he ought not to be heard, but to be put to death. So that true ſigns, we ſee, may be employed in behalf of a falſe doctrine; the ſign in itſelf, therefore, proves nothing.

The ſame doctrine of deluſive ſigns is confirmed in many other places of Scripture. Beſides, after having declared that he himſelf will work no miracle, Jeſus foretells the coming of falſe Chriſts, and falſe prophets, "who ſhall "ſhew great ſigns and wonders, inſomuch that, "if it were poſſible, they ſhall deceive the very "elect †." Would not one be almoſt tempted, from this paſſage, to think that ſigns were rather proofs of falſhood than truth?

* Exodus vii. 17.
† Matth. xxiv. 24. Mark xiii. 22.

How

How ſhall the Deity, who is free to make choice of what proofs he pleaſes, when he ſpeaks to mankind, prefer ſuch as neceſſarily ſuppoſe we are poſſeſſed of knowledge which he knows we have not? Can he employ the ſame means to inſtruct them, as he knows the devil takes to deceive and impoſe on them? Is ſuch a conduct worthy of the Deity? Can it be that God and the devil act in one and the ſame manner. This is what I cannot eaſily conceive.

Our modern Theologues, who are better reaſoners, but have leſs ſincerity than the antients, are much embarraſſed about this magick: they would be glad if they could to get quite rid of it. But they dare not: to deny it, they find, would be denying too much. Theſe people, ſo dogmatical and peremptory in other caſes, here change their tone: they will neither deny nor admit: but betake themſelves to the arts of tergiverſation and equivocation. I imagine, Sir, I have now plainly pointed out to you where the difficulty lies. But that nothing may be wanting to illuſtrate it, I ſhall place it in dilemma.

If we deny the deluſions, we cannot prove the miracles; becauſe both are founded on the ſame authority.

And if we admit of both, we have no preciſe and certain ſtandard by which to diſtinguiſh the one from the other.

So that miracles ſerve to prove nothing.

I know that our divines, being thus cloſely preſſed, have recourſe again to the nature of the doctrine: but they kindly forget that, if the

doctrine

doctrine be eſtabliſhed, the miracle is ſuperfluous, and that, if it is not, it proves nothing.

Pray be not here led into a miſtake, nor conclude, becauſe I do not look upon miracles as eſſential to Chriſtianity, that I therefore reject miracles. No, Sir, I neither have rejected them, nor do reject them. If I have given my reaſons for doubting the truth of them, I have not diſſembled my reaſons for believing them. There is a very wide difference between denying a thing and the not affirming it; between poſitively rejecting it and negatively not admitting it. And I have taken ſo little upon me as to the deciſion of this point, that I defy any one to find a ſingle paſſage, in all my writings, in which I have ſpoken in the affirmative againſt miracles. And indeed how ſhould I, notwithſtanding my doubts, ſince in caſes the moſt clearly determinable I have declined affirming any thing. What affirmations can a writer be ſuppoſed to make in his book, who ſpeaks as follows in his Preface *.

"With regard to what may be called the ſyſtematical part of this treatiſe, which is nothing more than the progreſſive Syſtem of nature, this will probably moſt perplex the reader; on this head, therefore, I ſhall doubtleſs be attacked, and perhaps with reaſon. It may be objected to me, that my book contains rather a heap of reveries than a treatiſe. But what muſt be done? I do not compoſe a diſſertation from the ideas of

* See Preface to Emilius.

others; but write immediately from my own. I do not see things altogether in the same light as other people; and have been frequently reproached on that account. But does it depend on me to give myself new eyes, or to be affected with new ideas? No. It is my fault, indeed, if I am too vain of my own manner of conception, if I believe myself alone to be wiser than all the rest of the world. It is not in my power to change my sentiments but to distrust them: this is all I can do, and this I have done. If I sometimes assume an affirmative tone, therefore, it is not with a view to impose my notions on the reader, but only to tell him what I really think. Why should I propose any thing to him in the form of a doubt, of which I harbour not the least doubt myself? I only tell him exactly what passes in my own mind.

"In speaking my opinion freely, I am so far from imposing it as an authority, that I always annex my reasons; to the end that the reader may weigh them, and judge for himself. Tho' I am not obstinate in the defence of my own sentiments, however, I think myself not the less obliged to propose them; as the maxims, about which I differ widely from other people, are far from being unimportant. They are such whose truth or falshood it is of consequence for us to know; and on which depends the happiness or misery of mankind."

Can an author, who knows not whether he is not himself mistaken, who is afraid lest all he says may be only a collection of reveries; who, without being able to change his senti-

ments,

ments, is yet diffident of them; who aſſumes not an affirmative manner to impoſe them on the publick, but only to ſpeak as he thinks; who, without ſeeking to eſtabliſh his own authority, gives always his reaſons, that every one may judge for himſelf; and who does not obſtinately perſiſt in the defence of his own notions; an author, who expreſſes himſelf to this purpoſe in the Preface to his book; can ſuch an author, I ſay, be charged with the deſign of pronouncing oracles? Can he be ſaid to impoſe his deciſions on others? On the contrary, doth he not, by this preliminary declaration, include even his ſtrongeſt aſſertions among the number of his doubts?

Let it not be ſaid that I go contrary to theſe engagements, in perſiſting here to defend my opinions. This would be the heighth of injuſtice. It is not my opinions that I defend here, but my perſon. If my writings only had been attacked, I ſhould have perſevered in keeping ſilence. This was my determined reſolution. Since the declaration I made in 1753, have I anſwered any one, or have I been ſilent for want of aggreſſors? But when I am proſecuted and condemned; when I am abuſed for having ſaid what I have not ſaid, it is neceſſary for me, in my own defence, to ſhew that I have not ſaid it. It is my enemies who force me, againſt my will, to take up the pen. Ah! would they but let me alone, I aſſure them, very ſincerely, I ſhould never trouble the publick.

This may ſerve as an anſwer to the objection, which I have thus prevented being retorted on me; viz. that of ſetting up myſelf as a reformer, by oppoſing the opinions of all my cotemporaries. For nothing ſurely can have leſs the air of bravado than the ſtile I have uſed. To ſpeak with ſo much diffidence and circumſpection is very far from aſſuming the air of a prophet. I thought it my duty to ſpeak my ſentiments with regard to certain uſeful and important points: But have I ſaid a word, have I taken one ſtep, in order to get them adopted by others? Hath any body ſeen, in my conduct, the behaviour of a man, who endeavoured to place himſelf at the head of a ſect.

In tranſcribing the particular paper alſo, which hath unexpectedly irritated ſo many zealots, I advertiſed the reader that he ought to be diffident of my judgment; and that his own ſhould determine whether any uſeful reflections might be drawn from that piece. I neither propoſed my own creed, nor that of any other man, as a ſtandard for others, but ſubmitted it to their examination*.

After having finiſhed the tranſcript alſo, I annexed the following notice:

"I have tranſcribed this paper, not as a rule of faith, which ought to be adopted reſpecting matters of religion; but as an example of the manner in which the pupil ſhould be reaſoned with, in order not to depart from the method

* Emilius, vol. ii. page 291.

of education I have endeavoured to eſtabliſh. While no regard is paid to human authority, nor to national prejudices, the light of reaſon can lead us no farther in our inveſtigations than to the Religion of Nature; and to this I would have confined myſelf in the education of Emilius. If he ought to have another, I had no right in that to be his guide: it was his place to chuſe for himſelf*.

Where is the man, after this, impudent enough to accuſe me of having denied the authenticity of miracles; which is not even denied in this paper, nor in any other part of my writings †.

What! becauſe the author of a paper, publiſhed by another perſon, introduces in it a reaſoner whom he diſapproves ‡, and who, in a diſpute, rejects miracles; it muſt thence follow, truly, that not only the author of that paper, but the editor of it alſo, rejects miracles! What a heap of abſurdities! It is too common for ſuch preſumptions to be admitted in the heat of a literary diſpute; but are they to be taken for proofs in a court of judicature? This is a ſpecies of law enough to terrify a man of the greateſt reſolution and probity, who has

* Emilius, vol. iii. page 162.

† I have ſpoken of them in my Letter to the Archbiſhop of Paris: but no fault hath, it ſeems, been found with that Letter; nor is it on the contents of that Letter that the proceedings againſt me are founded; which was commenced before that Letter appeared.

* Emilius, vol. iii. page 112.

the misfortune to live under the jurisdiction of such magistrates.

The author of the Profession of faith proposes his objections against the utility, as well as the reality of miracles: but these objections are not negations. The strongest thing he says on this head is the following: "It is the "unalterable order of nature that best displays "the supreme Being. If to this there are "many exceptions, I can hardly tell what to "think of it; and, for my part, I believe too "sincerely in God, to believe in so many mi-"racles so little worthy of him."

Now, what does all this amount to? To this; that the great multiplicity of miracles renders them, in the opinion of the author, suspicious: That he does not admit of all miracles indiscriminately; and that his veneration for the Deity induces him to reject all those which appear to be unworthy of him. What! does he who cannot admit of all miracles, necessarily reject all miracles, and must we believe in all the legendary prodigies transmitted us, in order to believe in the Ascension of Christ!

To crown all; so far are the doubts, contained in the second part of the Profession of faith from being liable to be taken for negations, that, on the contrary, the very negations contained in it ought to be taken only for doubts. This the author declares at the very beginning, with regard to the sentiments he contraverts. "Impute not (says he) any other "authority to my discourse than that of rea-

"son.

" ſon. I know not if I am in an error. It " is difficult, in diſcuſſions of this kind, not " to aſſume ſometimes an affirmative manner ; " but you will remember, that all my affirma- " tions here are to be doubted *." Can a wri- " ter ſpeak more poſitively ?

As to myſelf, I find the facts atteſted in the holy Scriptures : this is enough to make me ſuſpend my judgment in this point. If they were in any other book, I ſhould either reject the facts, or ſhould not give them the name of miracles ; but becauſe I find them in the Scripture I do not reject them. At the ſame time I am as far from admitting them, becauſe they appear contrary to reaſon, and my ſalvation is not intereſted in the determination. No judicious Chriſtian can believe, that every thing contained in the Bible, even to the very words and typographical errors, muſt be inſpired. All that we ought to believe inſpired, is what relates to our duty ; for to what purpoſe ſhould God give the reſt by inſpiration ? Now the doctrine of miracles is not of this kind, as I have already proved. So that the opinion we may entertain of them, hath nothing to do with the veneration due to the holy Scriptures.

Beſides this, it is impoſſible, as I have alſo proved, for mankind to be aſſured, reſpecting any fact whatever, that it is a miracle †. Ad-

* Emilius, vol. iii. page 96.

† If theſe gentlemen ſay that this is determined in Scripture, and that I ought to acknowledge as a miracle every thing recorded there as ſuch : I anſwer, That this is the point in queſtion, and that by this

mitting, then, all the facts contained in the Bible, we may reject miracles without being either impious, or without being inconsistent. Not that I have proceeded so far.

Thus do these Gentlemen deduce from miracles, which are not certain, nor necessary, which prove nothing, and which I have not rejected, their pretended evidence, that I endeavour to subvert the foundations of Christianity, and am not a Christian.

It would tire you too much to enter with me into a like circumstantial enquiry into the other accusations which are heaped upon me, in order to cover, by their number, the injustice of each in particular. They accuse me, for example, of rejecting prayer. But turn to my book, and you will find a prayer in the very passage in question. The pious speaker*, indeed, does not believe it absolutely necessary to

argument they reason only in a circle. For if they would have miracles serve as a proof of revelation, they ought not to employ the authority of revelation to confirm the miracle.

* A certain Minister of Geneva, doubtless very strict in his own system of Christianity, by the judgment he passed on mine, affirms that I have said, I, John James Rousseau, that I never pray to God. He asserts it in express terms, five or six times successively, always mentioning me by name. I would pay all due respect to the Church, but may I not venture to ask him where I have said this? It may be lawful for a man to waste his time and paper in idle controversy; but it is by no means consistent with the character of a good Christian to be a public calumniator.

ask

aſk any thing of God in particular*. Not that he diſapproves of ſuch practice. As to myſelf, ſays he, I never do it, being perſuaded that God is a good father, who knows beſt what is proper for his children. But can we render him no other worſhip equally worthy of him? The homage of a zealous heart, adoration, praiſe, the contemplation of his greatneſs, the acknowledgment of our own inſignificance, reſignation to his will, ſubmiſſion to his law, a pure and holy life; would not all theſe be as acceptable as intereſted and mercenary prayers? The beſt way to aſk any thing of a juſt God is to deſerve it. Do the angels, who conſtantly ſurround his throne with their praiſes, ever pray to him? What have they to aſk of him? This word *prayer* is often employed in Scripture for *homage*, or *adoration*.

* *When you pray*, ſaith Jeſus, *pray thus*. When we pray verbally, it is right to prefer the form thus preſcribed; but I do not ſee that any injunction is here laid on us to pray verbally. Another mode of prayer is preferable; that is, to be reſigned to whatever is the will of God. *I come, Lord, to do thy will.* Of all ſet forms of prayer, the Lord's Prayer is undoubtedly the moſt perfect; but an entire reſignation to the will of God is ſtill more perfect. *Not as I will, but as thou will.* What do I ſay? This is the Lord's Prayer itſelf; the whole of which is, in fact, contained in theſe words, *Thy will be done.* Every other prayer is ſuperfluous, and only contradicts this.

It is poſſible the man who thinks thus, may be miſtaken; but certainly he who publickly accuſes him, on this account, of endeavouring to ſubvert Chriſtianity, and of not being a Chriſtian, can be very little of a Chriſtian himſelf.

For my own part, I reject no method of honouring God, and have always approved of our uniting with the church in prayer. I do it myself. The Savoyard priest did the same *. The paper which is so violently attacked, is full of all this. But no matter for that: it is said, I reject the use of prayer, and ought to be burnt for impiety. Thus am I condemned.

I am farther charged with having accused the Christian system of morals, of rendering all our duties impracticable, by carrying them to an excess. Now the Christian system of morals is that of the Gospel: I know of no other. It is in this sense also understood by my accuser; since it is from the imputations, in which this is comprized, that he concludes, a few lines after, that I give the Gospel the appellation of divine by way of derision ‡.

But nothing can be more palpably false and disingenuous than such an accusation; as, in the passage to which this accusation relates, it is evidently impossible that I could mean to speak of the Gospel. It is in the fourth volume of Emilius, and runs thus:

"In subjecting modest women only to these melancholy duties, every thing is banished from a state of matrimony, which should make it agreeable to the men. Is it to be wondered at that the gloomy taciturnity they find at

* Emilius, vol. iii. pag. 145.

‡ Letters from the Country, page 11.

home,

home, ſhould drive them abroad; or that they ſhould be ſo little inclined to enter into ſo diſagreeable a ſtate? By carrying all its duties to an exceſs, Chriſtianity renders them impracticable and vain; by prohibiting married women the exerciſes of ſinging, dancing, and the other amuſements of the world, they are made gloomy, querulous, and inſupportable in their own houſes."

But where doth the Goſpel forbid married women either to ſing or dance? Where hath it ſubjected them to none but gloomy and melancholy duties? On the contrary, it hath ſpoken of the duty of huſbands, but it ſays not a word about thoſe of the wives.

It is, therefore, injurious to repreſent me as ſaying that of the Goſpel, which I ſay only of the Janſeniſts, the Methodiſts, and other modern devotées; who make Chriſtianity a religion as unpleaſant and terrible *, as it is pleaſ-

* The primitive Reformers ran at firſt into this exceſs, with a ſeverity that gave riſe to a number of hypocrites; in all which the Janſeniſts did not fail to imitate them. One Henry de la Marre, a Miniſter of Geneva, maintained in the pulpit, that it was a ſin to go to a wedding more joyfully than Jeſus Chriſt went to his Crucifixion. A certain Janſeniſt Curate maintained, in like manner, that wedding feaſts were the invention of the devil. Some of his auditors objecting, that Jeſus Chriſt had nevertheleſs countenanced them by his own preſence, and that he had even condeſcended, on ſuch an occaſion, to work his firſt miracle, in order to prolong the feaſt; the Curate, a little embarraſſed, replied, grumbling: *Ah, well; that was not the beſt thing he did.*

ing and agreeable under the genuine law of Jesus Christ.

I would by no means assume the tone of father Berreyer, whom I am not fond of, and think besides to be in very bad taste; but I cannot forbear saying, that one of the circumstances which charms me most in the character of Jesus, is not only the candour and simplicity of his manners, but the ease, the grace, and even the elegance of them. He neither avoided amusements nor feasts, but went to weddings, visited women, played with children, used perfumes, and eat with publicans. His disciples fasted not, nor was his austerity troublesome. He was at once both just and indulgent; mild to the weak, and terrible to the wicked. His morality had something in it tender and attractive; he had a susceptible heart, and was a man of a very social turn. Had he not been the wisest of mortals, he had still been the most amiable.

Certain passages of St. Paul, exaggerated and misunderstood, have made a number of fanaticks; and these fanaticks have often disfigured and disgraced Christianity. Had they confined themselves to the spirit of their great master, this had never happened. Let them accuse me, if they will, of not being always of the opinion of St. Paul; they may reduce me to the necessity of proving that I have sometimes reason on my side for dissenting from him. But it will not follow hence, that I called the Gospel divine out of derision.

ſion. Yet thus it is that my perſecutors reaſon.

But I perceive that I have treſpaſſed on your patience with theſe tedious circumſtances; hoping your excuſe, therefore, I put an end to them. I have already ſaid more than is neceſſary for my defence; and am myſelf wearied with replying conſtantly by reaſons, to accuſations without reaſon.

LETTER

LETTER THE FOURTH.

I HAVE ſhewn you, Sir, that the imputations deduced from my books, to prove that I have attacked the religion eſtabliſhed by law, are entirely falſe. It is on theſe imputations, however, that I have been judged culpable and treated as ſuch. At preſent we will ſuppoſe that I was really ſo, and will enquire into the nature of the puniſhment due.

Ainſi que la vertu le vice a ſes dégrés.

A man is not guilty of every crime becauſe he is guilty of one. Juſtice conſiſts in adapting the penalty exactly to the fault; its extreme ſeverity being in itſelf an injury, when it pays no regard to thoſe reaſonable conſiderations, which ought to moderate the rigour of the law.

The crime ſuppoſed real, it remains to enquire what is its nature, and what kind of proceeding your laws in ſuch a caſe preſcribe.

If I have violated my oath as a citizen, and as I am accuſed, I have committed a crime againſt the ſtate, and the cognizance of this crime belongs directly to the council. This is indiſputable.

But

But if all my crime consists in my falling into an error in point of doctrine; such error, even tho' it amounted to impiety, is quite a different thing. According to your edicts, it belongs to another tribunal to take cognizance of it, in the first instance.

And were my crime even a crime against the state, yet if, in order to declare it such, the point of doctrine were first necessary to be determined, it does not belong to the Council to make that determination. It belongs to the Council indeed to punish the crime, but not to ascertain it. This is openly declared by your edicts, as will be shewn hereafter.

The question is first, whether I have violated my oath in quality as citizen, that is, the oath which was taken by my ancestors, when they were admitted to the burghership: for, as to my own part, having never resided in the city, nor discharged any of the offices of citizen, I have never taken the oath. But to proceed.

In the form of the oath there are two articles only that affect my crime. According to the first we engage *to live according to the reformation of the holy gospel*; and by the last, *to suffer no practices, machinations, nor attempts against the reformation of the holy gospel.*

Now so far have I been from infringing the first article, that I have conformed to it with a fidelity and even a severity that hath few examples, openly professing my religion even among the Catholicks, altho' I formerly had been of their community. Nor can my separation, the effect of the inconsiderateness of my youth, be looked

looked upon as an infringement of my oath; especially since my authentick reunion to your church in the year 1754, and my re-establishment in the rights of a citizen, a circumstance well known at Geneva, and of which I have besides positive proofs.

It can as little be said that I have infringed this first article, in writing the books which have been condemned; as I have never failed throughout, to declare myself a protestant. Besides, there is a wide difference between a man's moral conduct and his writings. To live according to the Reformation, is to profess the reformed religion, however a man may be mistaken with regard to doctrinal points in his writings, or be guilty of other sins, which are offensive to the Deity, but which do not in themselves cut off the delinquent from communion with the Church. This distinction, were it otherwise disputable, is indeed made in the oath itself; as two articles are made of what could make but one, if the profession of a religion was incompatible with every enterprize against religion. By the first we swear to live according to the Reformation, and by the last to undertake nothing against the Reformation.

These two articles are very distinct, and even separate from many others. In the sense of the Legislature, therefore, they are distinct and separate; so that if I really had violated the last article, it does not follow that I have violated the first.

But have I violated the last?

The

The author of the Letters from the Country affirms that I have. Hear what he says, page 30.

"The oath of the citizens imposes on them this obligation, *that they shall neither enter into, nor suffer to be entered into, any practices, machinations, or enterprizes against the holy evangelical reformation.*" It seems, however, to be *a little* * tending toward such practices and machinations against the reformation, to endeavour to prove, in two such seductive performances, that the pure Gospel is in itself absurd and pernicious to society. The Council, therefore, were obliged to take notice of a man, against whom there were such strong presumptions."

Let us first remark the great consistency of these gentlemen. They seem to discover at a distance, something *a little* tending to such practices and machinations. On this distant seeming of a slight tendency, they proceed to take notice of the person who is presumed to be the author; and this notice is an order for apprehending him.

It is true, the same author diverts himself a little afterwards, by endeavouring to prove, that it was out of pure goodness to me, they gave orders for my being apprehended. "The

* This *a little* is so pleasant, and different from the grave and decent stile of the rest of the Letters, that it has been retrenched in the second edition. I forbear to enquire on whose, or on what account.

Council,

Council, says he, might summon Mr. Rousseau to a personal appearance; they might have cited him to a hearing; they might have ordered him to be taken into custody. Of these three methods, the last was incomparably the mildest; as it was, in fact, advertising him not to return, if he did not chuse to expose himself to the consequence of a prosecution; or, if he did, to prepare himself for his defence."

It was in the same pleasant manner, according to Brantom, that the executioner of the unfortunate Don Carlos, Infant of Spain, addressed that Prince when he was going to strangle him. "Hush, hush, my Lord, says he; why this noise and struggling? all we are doing is for your Highness's good."

But what are these *practices* and *machinations* of which I stand accused? To be guilty of *practices*, if I understand my own language, is to carry on some secret intelligence: to be guilty of *machinations*, is to take some silent and sinister measures; it is to do that which some persons have done both against Christianity and me too. But I conceive nothing can be less secret in the world, than a man's publishing and setting his name to a book. Whenever I have declared my sentiments on any subject, I have done it boldly, and in the face of the publick. I have subscribed my name, and remained tranquil in my retirement. It will not be easy to persuade me, that this resembles any thing of *practices* and *machinations*.

To

To comprehend rightly the ſpirit of the oath, and the ſenſe of the terms, it is neceſſary to recur to the times in which the oath was drawn up, and in which it was eſſentially neceſſary for the ſtate to guard againſt falling under the double yoke it had juſt ſhaken off. At that time daily diſcoveries were made of ſome new deſign in favour of the houſe of Savoy and the Epiſcopacy, under the pretext of religion. Now it is to theſe deſigns that the words *practices* and *machinations* evidently relate; words, ſurely, that, ſince the French language exiſted, never have before been employed to ſignify the general notions which an author may advance in a book to which he publickly ſets his name, without any particular project or object in view, or without regard to any ſtate or government. In this accuſation the author himſelf, indeed, appears ſo little in earneſt, that he acknowledges, in page 8. that *I faithfully diſcharge my duty as a citizen.* But how can this be, if I have broken the oath, which I ſhould have kept in quality of ſuch?

It is not true, therefore, that I have broken this oath. To this I add, that if it were, nothing was ever more unexampled in matters of this kind, than the proceedings againſt me. There is, perhaps, not a ſingle citizen in Geneva, who hath not broken this oath in ſome article or other *, without being in the leaſt cenſured for it, much leſs apprehended.

* Thus, for example, they engage never to leave the city, to reſide elſewhere, without expreſs permiſſion.

It can with as little juſtice be ſaid, that I have attacked morality, in a book, wherein I eſtabliſh, to the utmoſt of my power, the preference of the publick good over that of the individual; and in which I make our duty towards man ariſe from our duty towards God; the only principle on which a ſyſtem of morality can be well founded, and prove any thing more than mere appearance. It cannot be pretended that the book in queſtion tends, in any ſhape, to diſturb the eſtabliſhed worſhip of the church, or the peace of the ſtate; as it inſiſts, on the contrary, on the reſpect which is due to eſtabliſhed forms, and a perfect obedience to the laws in every thing, even in matters of religion.

This terrible crime, then, about which ſuch a clamour hath been made, admitting it to be real, is reducible to a mere error in point of faith, which, if it be not advantageous to ſociety, is at leaſt very innocent and indifferent. The greateſt harm that can reſult from it, being univerſal toleration, and, of courſe, univerſal peace, both in church and ſtate.

But I aſk of you, Sir, who are acquainted with the nature of your government and laws, whoſe province it is to judge, particularly in the firſt inſtance, of the erroneous opinions of individuals in matters of faith? Does it be-

miſſion. But who, of the many natives of Geneva, that reſide in foreign countries, ever thought of aſking this permiſſion?

long

long to the Council, or to the Conſiſtory? This is the point to be determined.

It was neceſſary, firſt, to ſettle the nature and extent of the crime. This being known, we come now to compare the proceedings of the law againſt it.

Your edicts do not aſcertain the penalty inflicted on a man, who being miſtaken in a point of faith, makes his error publick. But by the eighty-eighth article of the Eccleſiaſtical ordinance, in the chapter on the Conſiſtory, they regulate the order of proceeding againſt him who dogmatiſes. This article is couched in the following terms:

"If any perſon ſhould preſume to dogmatiſe againſt the doctrines received, let him be called to a conference: If he be willing to conform, let him be ſupported without ſcandal or defamation: if he be obſtinate, let him be admoniſhed ſometimes in order to try to bring him back again. If at length it be neceſſary to proceed to greater ſeverity, let him be prohibited the communion, and let the magiſtrate be advertiſed to provide for ſuch proniibition."

By this we ſee, *Firſt*, that the firſt inquiſition to be made of this ſpecies of crime belongs to the Conſiſtory.

Secondly, That the Legiſlature did not mean this crime to be unpardonable, if the perſon committing it ſhould repent of it and conform.

Thirdly, That it preſcribed the very means to be taken, in order to bring back the criminal to his duty.

Fourthly,

Fourthly, That these means are full of candour and tenderness; such as it becomes Christians to make use of; after the example of their great Master, with regard to all such faults as do not disturb the peace of society, and are not essentially interesting to the cause of religion.

Fifthly, That the last and greatest penalty inflicted, is taken from the very nature of the crime, as it ought to be, in depriving the criminal of the holy communion and an intercourse with the Church, which he has offended, and is still disposed to offend.

After all which, the Consistory is to inform the magistrate, who ought then to take up the cause, because the law admitting of but one religion in the state, he who obstinately perseveres in professing and teaching another, ought to be cut off from the State.

The particular application of all the parts of that law, may be seen in the form of the prosecution carried on in 1563, against John Morelli.

Morelli, who was an inhabitant of Geneva, had written and published a book, in which he attacked the discipline of the church; which book was censured at the Synod of Orleans. The author, complaining much against this censure, and being cited on the same account by the Consistory of Geneva, he refused to appear, and left the city. After this, having obtained permission of the magistracy to return, in order to make up the matter with the ministers, he neither troubled himself to speak

ſpeak to them, nor to appear before the Conſiſtory till he was ſummoned anew; on his appearance, however, he refuſed to make any kind of ſatisfaction; ſo that, after long diſputes with him, he was cited to appear before the Council, to whom the cauſe was now referred. To the citation from the Council he again refuſed to pay any obedience, but ſent a written excuſe by his wife, and left the city.

He was then proceeded againſt at law, that is to ſay, his book was condemned; the ſentence paſſed on which occaſion being important and little known, I ſhall tranſcribe the whole; as I doubt not of its being of uſe.

" *We, the Syndics, judges of criminal cauſes in this city, having heard the report of the venerable Conſiſtory of the Church, concerning the proceedings carried on againſt John Morelli, inhabitant thereof; and inaſmuch as he hath a ſecond time left this city, and inſtead of appearing before us and our council, when cited, was diſobedient and refractory: For theſe and other juſt cauſes moving us thereto, we the Syndics compoſing a tribunal in the place of our anceſtors, and agreeable to our antient cuſtoms, after due conſultation with our citizens, having God and his holy Scriptures before our eyes, and invoking his holy name, to inſpire us with right judgment, do pronounce, In the name of

* Extract from the Proceedings againſt John Morelli. Printed at Geneva, by Francis Perrin, 1563.

the

the Father, the Son, and Holy Ghoſt, Amen, by this our definitive ſentence, which we here give in writing, we are induced, after mature deliberation, to proceed farther againſt the ſaid Morelli, for contumacy: and above all to adviſe all thoſe whom it may concern, to beware of his book, that they are not miſled thereby. Being duly informed of the reveries and errors contained therein, and particularly that the ſaid book tends to create ſchiſms, troubles, and ſeditions in the church: hence we have condemned and do condemn it, as a pernicious and dangerous book, having ordered, and ordering, by way of example, that one of them be publickly burnt. We forbid alſo all bookſellers to keep or expoſe it to ſale; and all citizens, burghers, and inhabitants of this city, of what quality ſoever, to buy or have it to read; commanding all thoſe who are poſſeſſed of any copies of the ſaid book to bring them to us; and all ſuch as know where ſuch copies are, to inform us thereof, within twenty four hours, under pain of being ſeverely puniſhed.

"And we hereby command you, our lieutenant, to ſee that this our ſentence be carried into execution."

Pronounced and executed, Thurſday, Sept. 16, 1563.

Signed, P. CHENELAT."

You will find room, Sir, for making more kind of obſervations than one, in proper time and place, on this piece. At preſent let us

us not lose sight of the object in view. Such was the manner of proceeding against Morelli, whose book was not burned till the end of the process, and whose person was not apprehended; nor was he threatened with the executioner and corporal punishment, notwithstanding he was obstinate and contumacious.

It is well known in how different a manner the Council proceeded against me, the moment my book appeared, and without waiting for the advice of the Consistory. The book was received by the post, read, examined, sentenced, burnt, and myself ordered to be apprehended, all within the space of eight or ten days. A more expeditious prosecution can hardly be conceived.

I suppose myself here in the case intended by the law, the only case in which I can be punishable. For otherwise, by what authority am I to be punished for faults that injure nobody, and for which the laws have inflicted no penalty.

Has the Edict been strictly observed, then, in this affair? I am convinced that every person of common sense, who gives himself the trouble to enquire into the matter, will think it has been violated in every particular. The Remonstrants in my favour particularly observe, that "the Sieur Rousseau was not called before the Consistory; but that the magnificent Council proceeded in the first instance against him: that he ought to have been *supported without scandal*; whereas

his writings have been treated, in a public decree, as *raſh*, *impious*, and *ſcandalous*; he ought to have been *ſupported without defamation:* but he has been uſed in the moſt defamatory manner; his two books having been torn and burnt by the hands of the common hangman."

"The Edict, therefore, continue theſe Remonſtrants, hath not been obſerved, either with regard to the point of juriſdiction, which belongs to the Conſiſtory, or with regard to Mr. Rouſſeau, who ought to have been ſupported without ſcandal or defamation, to have been admoniſhed, and who could not have been legally condemned but in caſe of obſtinacy.

All this appears, doubtleſs, as clear as the ſun to you, as well as to me. But what then? You ſhall ſee how theſe people, who know how to make the ſun appear at midnight, ſtrive to hide it at noon-day.

It is the uſual trick of ſophiſts to heap one argument upon another, in order to cover the ſeparate weakneſs of each. To avoid repetitions, and loſe no time, let us ſeparate thoſe which are contained in the Letters written from the Country. Let us confine ourſelves alſo to the moſt eſſential; laying aſide ſuch as I have already refuted; and, that we may not miſrepreſent them, let us make uſe of the very words of the author.

It is with reſpect to our laws, ſays he, *that I ought to examine the proceedings againſt Mr. Rouſſeau.* Very well; Let us ſee.

The

The first article of the citizen's oath obliges him to live according to the Reformation of the holy Gospel. Now I ask, if a man who writes against the Gospel, can be said to live according to the Gospel?

First sophism. In order to see clearly whether or no I stand in this predicament, place the word *Reformation* in the minor of the syllogism, which the author hath omitted, and which is necessary to make the writer's argument at all conclusive.

Second sophism. The article of the oath abovementioned says nothing about writing according to the Reformation, but living according to the Reformation. These two things, as we have before shewn, are distinguished in the oath itself; and it hath been already shewn, that I have written neither against the Reformation nor against the Gospel.

The chief duty of the Syndics and the Council is to maintain the true religion.

Third sophism. It is doubtless their duty to maintain the true religion, but not to take upon them to determine what is or is not the true religion. The sovereign Legislature hath charged them with the care of preserving the true religion, but it hath not therefore appointed them the judges of its doctrines. This office belongs to another body, which ought to be consulted in all matters relative to religion, as hath been hitherto always done, ever since your government existed. In criminal cases of this nature, two

tribunals are concerned, the one to ascertain the fact, and the other to punish it. This is evident from the express terms of the Ordinance. But to return to this afterwards.

They pursue the imputations already examined; which for that reason I shall not repeat; but I cannot forbear transcribing here the last article, as it is extremely curious.

It is true that Mr. Rousseau and his partizans pretend their doubts do not really attack Christianity, which he even continues to call divine. But if a book characterised, as the Gospel is, in the works of Mr. Rousseau, may yet be called divine, I should be glad to know what new sense he hath applied to that epithet. If it be really a contradiction, it is a very gross one; if a piece of pleasantry only, you must own it is very improper on such a subject.

I understand it is meant by all this, to insinuate, that the spiritual worship of God, purity of heart, works of compassion, humility, resignation, toleration, forgetting of injuries, forgiveness of enemies, love of one's neighbour, universal brotherhood, and the union of mankind by the bonds of Christian charity, are all inventions of the Devil. But is this the opinion of the author and his friends?

If it be really a contradiction, it is a gross one. If a piece of pleasantry, it is very improper on such a subject.

It may be added, however, that pleasantry on such a subject, seems so mighty agreeable

able to the taſte of theſe gentlemen, that, according to their own maxims, it ought to have obtained me ſome favour of them.

After the expoſition of my crimes, let us attend to the reaſons given for their proceeding to the utmoſt rigour of the law with the criminal.

Theſe two books appeared under the name of a Citizen of Geneva. All Europe was ſcandalized at it. The firſt Parliament of a neighbouring kingdom proſecuted Emilius and its author. What ought the Government of Geneva to do?

Let us here ſtop a moment; as I think I perceive ſome falſhood in the aſſertion.

According to this author, the offence, taken by all Europe, obliged the Council of Geneva to proceed againſt the book, and the author, of Emilius, after the example of the Parliament of Paris. But, on the contrary, it was the Decrees of theſe two tribunals which gave offence, and cauſed ſuch ſcandal to all Europe. The book had been publiſhed at Paris but a few days before the Parliament condemned it *: it had not appeared in any other country, not even in Holland, where it was printed. And there was but an interval of nine days between the Decree of the Parliament of Paris and that of the Council of Geneva †: little more than time enough

* Meaſures were abſolutely taken to this end before the book appeared.

† The Decree of the Parliament of Paris paſſed the 9th of June, and that of the Council of Geneva the 19th.

for the latter to hear of what was done by the former. The terrible clamour which was raiſed in Switzerland on this affair, my expulſion from the houſe of my friend, the attempts made at Neufchatel, and even at the Court of Berlin, to deprive me of my laſt aſylum. All this came from Geneva and its neighbourhood, after the decree. It is well known who were the inſtigators, and the emiſſaries; their activity was indeed unexampled. It was not their fault that I was not refuſed the common benefits of water and air throughout every country in Europe; that I had not even the earth for my bed, or a ſtone for my pillow. Let us not tranſpoſe things thus out of their proper order, and impute, as a motive to the Decree of the Council of Geneva, the ſcandal, which was only the effect of it.

The firſt Parliament of a neighbouring kingdom, it is ſaid, proſecuted Emilius and its author. What then ſhould the Government of Geneva do?

The anſwer is ready and ſimple. It ſhould have done nothing; it ought to have done nothing, or rather, it ought not to have done any thing. As it was, it reverſed all order of law; braving the Parliament of Paris, and diſputing its juriſdiction, by imitating its behaviour. For the very reaſon that I was proſecuted at Paris, I ought not to have been proſecuted at Geneva. The fault of a criminal is certainly confined to place, and to one place only: He cannot be guilty at once

once of the ſame crime in two different countries, any more than he can be in two places at one and the ſame time; for if he would clear himſelf of the two proſecutions, how could he poſſibly divide himſelf? In fact, have you ever heard of a man being proſecuted in two different countries, at one time, for one and the ſame fact? This is certainly the firſt example, and in all probability will be the laſt. Amidſt all my misfortunes I have the melancholy honour of being in every reſpect a ſingular example.

The moſt atrocious crimes, even aſſaſſinations and murders, are not, nor ought to be, adjudged by other tribunals than thoſe of the countries, where thoſe crimes were committed. If a Genevan ſhould kill a man, though another Genevan, in a foreign country, the Council of Geneva could not take cognizance of the crime. They might deliver up the criminal, indeed, if he were claimed; they might even ſollicit his puniſhment; but unleſs ſuch foreign power ſhould voluntarily transfer the deciſion of the cauſe to them, with the proceedings therein, they could not take upon them to judge of it; becauſe it does not belong to them to take cognizance of crimes committed under the juriſdiction of other ſtates, nor can it even order the informations neceſſary to aſcertain the fact. Such is the rule, and ſuch therefore is the anſwer to the queſtion, *What ſhould the Government of Geneva have done?* Theſe are the moſt plain and ſimple notions

of publick law; of which it would be ſcandalous for the loweſt magiſtrate to be ignorant. Muſt I always inſtruct my judges thus, at my own coſt, in the common elements of juriſprudence?

The Remonſtrants in my favour ſay, that *the Council ought to have confined themſelves to a mere proviſional prohibition of my book's being ſold in their city**. This is, in fact, all they could legally do to gratify their animoſity. This is what they had before done with regard to my *Eloiſa*; but ſeeing that the Parliament of Paris took no ſuch ſtep, they ſeemed aſhamed of their prohibition, and gently withdrew it †. *But may not ſo feeble a mark of diſapprobation be looked upon as a ſecret connivance?* The Council of Geneva, however, may have been juſtly taxed long ſince, with ſuch ſecret connivance in regard to books much leſs to be tolerated. It is ſaid, *Nobody can take offence at the moderation made uſe of towards me.* The voice of the publick may inform you what offence is taken at the contrary. *To ſay the truth, if the affair had related to a man as diſagreeable to the publick as Mr. Rouſſeau is eſtimable, what is now called moderation, would have been called indifference, or unpardonable coldneſs.* I ſee no great matter in this, but it is certain the publick do

* See page 12. of their Remonſtrances.

† It muſt be owned, that if Emilius ought to be prohibited, Eloiſa at leaſt ought to be burned. The Notes in particular being much bolder than any thing contained in the Vicar's Creed.

not

not call the ſeverity practiſed againſt me and my writings, or the countenance given to my adverſaries, by ſuch mild appellations.

Carrying on the ſuppoſition of my being culpable, let us ſuppoſe farther, that the Council of Geneva had a right to puniſh me, that they had taken no ſtep but what was conformable to law, and that nevertheleſs, without even cenſuring my books, they had received me peaceably on my arrival from Paris; what would the honeſt and ſenſible part of the people have ſaid to it? They would have ſaid thus:

"The Council have winked at this affair; they ought to do ſo. For what could they do? To have proceeded with ſeverity on this occaſion would have been barbarous, ungrateful, and even unjuſt, as real juſtice compenſates evil with good. The criminal hath been very fond of his country, and hath deſerved well of it: he hath done it honour in the eyes of all Europe; and, while his fellow-countrymen have been aſhamed of the name of Genevan, hath made it his glory. He hath heretofore given it good advice, and is deſirous of the public good. At preſent, indeed, he is miſtaken, but he is certainly pardonable. He hath beſtowed the higheſt encomiums on our magiſtrates, in order to obtain them the love and confidence of the citizens: he hath defended the religious character of our Clergy, and certainly deſerves ſome return from all. With what face could they dare to proſecute, for a few errors, the

defender of the Deity, the apologiſt for a religion ſo generally attacked, when they tolerate, and even approve, the moſt odious, indecent, and inſolent writings againſt Chriſtianity and good manners; the moſt deſtructive to all virtue and morality; even thoſe which Mr. Rouſſeau thought it his duty to refute. People would have enquired into the ſecret motives of ſo groſs a partiality; and they would have found them in the zeal of the accuſed for the cauſe of liberty, and in the project of his judges for deſtroying it. Rouſſeau would have been deemed a martyr to the laws of his country. His perſecutors, in aſſuming the maſk of hypocriſy on the occaſion, would be charged with making a tool of religion, and uſing it only as an inſtrument of their vengeance. In ſhort, by their earneſtneſs to puniſh a man, whoſe greateſt crime is the love of his country, they would only have rendered themſelves odious in the eyes of all honeſt people; ſuſpected by the citizens and contemptible to foreigners."

This, Sir, is what might have been ſaid; and this is all the riſk the Council would have run, in abſtaining from taking notice of my ſuppoſed crime.

A certain perſon was in the right, when he ſaid it was neceſſary either to burn the Goſpel or the Works of Mr. Rouſſeau.

This is the method theſe gentlemen commonly take with me. If they want proof, they multiply aſſertions; and if they want witneſſes, they talk of nobody knows who.

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The above pretended saying, hath but one meaning that is not quite extravagant; and this meaning is blasphemous. For is it not blasphemy to suppose the Gospel and my Works so alike in their maxims, that they may reciprocally be substituted for each other; and that either of them indifferently may be burnt without loss, provided we keep the other? It is certain I have followed the doctrines of the Gospel as close as possible: I admired them, I adopted, illustrated, and explained them, without hesitating at obscurities, difficulties, or mysteries, to deviate from what was essential. I was attached to them with my whole heart; and beheld them with indignation profaned and debased by our pretended Christians, and particularly by those who profess to instruct us in them. I dare venture to believe, and to make it my boast, that not one of them hath spoken more highly of genuine Christianity and its Author, than myself. I may appeal to the applause of my very adversaries, in proof of this assertion; not, indeed those of Geneva: but of those whose enmity doth not rise into phrenzy, and whom passion hath not totally divested of reason. This is certainly true, and this is proved, as well by my answer to the King of Poland, as by my Letter to Mr. d'Alembert, by Eloisa, Emilius, and all my writings; which breathe the same love for the Gospel, the same veneration for Jesus Christ. But does it follow that I can in any degree approach my sublime Master, or

that my books may be ſubſtituted in the place of his inſtructions. I deteſt and diſavow ſuch a ſuggeſtion as falſe, abſurd, abominable, and blaſphemous. No writings whatever can be compared to the Goſpel. But its ſublime ſimplicity is not adapted to all capacities. Its dictates frequently require to be placed in different lights; that ſacred book ſhould be preſerved as the text of the maſter, and mine as the commentary of the ſcholar.

I have hitherto treated the queſtion in a manner ſomewhat general. Let us now proceed more particularly to facts, and compare the proceedings of the year 1563 with thoſe of 1762. and the reaſons given for their difference. As this is the deciſive point of the diſpute with regard to myſelf, I cannot, without neglecting my cauſe, forbear troubling you with circumſtances that may in themſelves be tedious; but which are in many reſpects intereſting both to you and to your fellow-citizens. This will form another diſcuſſion, the thread of which ought not to be broken; and which will of itſelf form a long letter. But be not diſcouraged, Sir, this will be the laſt of the kind I ſhall furniſh for your entertainment.

LETTER

LETTER THE FIFTH.

THE author of the *Letters from the Country* having eſtabliſhed, as you have already ſeen, the neceſſity of carrying on a proſecution againſt me; goes on, as I am going to ſhew you, to prove, that the proceedings carried on againſt John Morelli, although exactly conformable to the Ordinances, and in a caſe ſimilar to mine, was not an example to be followed in the proceedings againſt me: becauſe, *firſt*, the Council, being above the Ordinances, is not obliged to conform to them; and that beſides, my crime, being much greater than that of Morelli, ought to be puniſhed more ſeverely. To theſe reaſons the author adds, it is not true that I was condemned unheard; that it was ſufficient to hear the book itſelf; the cenſure of which did not in any ſhape fall upon the author; and that, in ſhort, the writings, which the Council are reproached with tolerating, are innocent and harmleſs in compariſon of mine.

As to the firſt article, you will perhaps hardly believe it poſſible any body ſhould preſume to ſet the petty Council above the laws. I know of no other way to convince you than to tranſcribe the paſſage, in which this principle is laid down; and of which, that I

may

may not hurt the ſenſe by mutilation, I ſhall tranſcribe the whole.

"Did the Ordinances mean to tie the hands of the Civil Power, and oblige it not to ſuppreſs any outrage committed againſt religion till after the Conſiſtory had taken cognizance of it? If ſo, any one might write with impunity againſt religion, as the government would not have it in its power to ſuppreſs ſuch licentiouſneſs, or to cenſure a book of any kind: for as the Ordinance requires the delinquent to appear firſt before the Conſiſtory, it alſo ſays, that if *he is willing to conform, he is to be ſupported without defamation.* Thus whatever outrage or inſult he may have committed againſt religion, the accuſed hath nothing more to do than to conform in order to eſcape puniſhment; and he who may have defamed religion over the face of the whole earth, may, by a pretended conformity, be excuſed without ſuffering defamation. Thoſe who know the ſeverity of the times, in which our Ordinances were compiled, will hardly believe the LXXXVIIIth article had any ſuch meaning.

"What if the Conſiſtory ſhould not act at all? Is its inactivity to reſtrain the Council from acting? Or muſt it be reduced to act the part of an informer to the Conſiſtory? This can never be the ſpirit of the Ordinances; which, after having eſtabliſhed the duty and the power of the Conſiſtory, conclude with ſaying, that the Civil Power ſtill reſts entirely and without ſuffering any derogation from its authority, nor from its proceedings in the ordinary

dinary courſe of juſtice by any eccleſiaſtical remonſtrances. The Ordinances, therefore, do not ſuppoſe, as the Remonſtrants pretend, that the Miniſters of the Goſpel are the more proper and natural judges of this matter than the Council of State. Every thing that regards authority in matters of religion, is derived from the authority of the government. This is the principle of Proteſtants, and particularly that of our conſtitution, which in all caſes of diſpute about religious tenets, inveſts the Councils with the right of deciſion."

You ſee, Sir, in the laſt lines the principle on which is founded that which precedes them. Thus to proceed in our examination according to order, it is proper to begin at the end.

Every thing that regards authority in matters of religion, is derived from the authority of Government.

There is an equivocation couched under this word *Government*; which it is very neceſſary to explain; I adviſe you, if you have any regard for the conſtitution of your country, to be attentive to the diſtinction I am going to make: you will preſently ſee its utility.

The word *Government* has not the ſame meaning in all countries, becauſe the conſtitutions of different ſtates are not every where the ſame.

In Monarchies, where the executive power is joined to the exerciſe of the legiſlative, or the ſovereignty, the government is no other than the Sovereign himſelf, acting by his Miniſters, by his Council, or by other political bodies depending on his will. In Republicks,

ficks, particularly in Democracies, in which the Sovereign never acts immediately by himself, the case is different. The Government is there only the executive part, and is absolutely distinct from the Sovereignty.

This distinction is very important in these matters.

To have a clear and precise idea of it, however, it may be necessary to read carefully the two first chapters of the third book of my Social Compact; in which I have endeavoured to give it an accurate and precise meaning, by the exact use of expressions by which it hath been artfully left uncertain, in order that such an acceptation might be given it, as might suit with times and circumstances. The Chiefs of a Republick are in general mighty fond of talking in the stile of Monarchs.

By the help of terms, which custom seems to have consecrated, they know how to assimilate those things which those terms signify. This the author of the Letters hath here done very artfully, in making use of the word *Government*, which hath nothing alarming in itself, for the *exercise of Sovereignty*, which every one would be immediately shocked to see the petty Council in plain terms invested with.

This he hath done again still more openly in another passage; wherein, after having said that the *petty Council is the Government itself*, which is true, taking the word *Government* in a subordinate sense, he presumes to add, that by virtue of this title it exercises all

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authority which is not expreſsly attributed to the other parts of the State: thus taking the word Government in the ſenſe of Sovereignty; as if all the other political bodies included in the State, and even the general Council itſelf, were inſtituted by the petty Council.

For it is only by means of this ſuppoſition that he can excluſively attribute to it all thoſe powers which the law hath not expreſly given to any. But I ſhall reſume this queſtion afterwards.

This equivocation being expoſed, the ſophiſtry of the author is obvious. To ſay that every thing regarding authority in matters of religion is derived from the authority of Government, is in fact a true affirmation, if by the word Government we mean the legiſlative power, or the Sovereign. But it is very falſe, if we mean the executive power, or the magiſtrate; and you will never find in your Republick, that the general Council inveſted the petty Council with the authority of regulating, in the laſt reſort, every thing relative to religion.

A ſecond equivocation, ſtill more ſubtle, is brought to ſupport the firſt, in what follows.

It is the principle of Proteſtants, and particularly the ſpirit of our conſtitution, which, in caſes of diſpute about religious tenets, inveſts the Council with a right of deciſion. This right, whether in caſes of diſpute or not, undoubtedly belongs to the *Councils*, but not to the petty Council. Thus you ſee how, by means of

of a ſingle letter, more or leſs, we may miſrepreſent the conſtitution of the ſtate.

According to the principles of Proteſtants, there is no other church than the ſtate, and no other eccleſiaſtical Legiſlator than the Sovereign. This is manifeſt, particularly at Geneva, where the eccleſiaſtical Ordinances received from the Sovereign, in the Council-general, have the ſame ſanction as the civil Edicts.

The Legiſlature, therefore, having preſcribed, under the name of the Reformation, the doctrine which ought to be taught at Geneva, and the form of worſhip which ought to be maintained there, hath divided between two bodies the care of maintaining that doctrine, and that form of worſhip, as fixed by law. To one it hath entruſted the matter of public inſtruction, the deciſion of what is conformable or contradictory to the religion of the ſtate, the neceſſary admonitions, and even ſpiritual puniſhments, ſuch as excommunication. It hath inveſted the other with the power of executing the laws regarding this point, as well as every other, and to puniſh obſtinate prevaricators.

Thus every regular proceſs, in theſe caſes, ought to commence by an enquiry into the fact: to know whether it be true that the perſon accuſed hath committed any crime againſt religion: and this examination belongs, according to law, to the Conſiſtory only.

When

When the crime is aſcertained and proved to be deſerving of civil puniſhment, it is then only the magiſtrate is inveſted with the right to determine and execute ſuch puniſhment. The eccleſiaſtical tribunal denounces the criminal to the civil tribunal, and thus the juriſdiction of the Council, in theſe caſes, is eſtabliſhed.

But when the Council takes upon them to determine, as if they were divines, the orthodoxy of religious tenets; or when the Conſiſtory uſurp the civil juriſdiction, both of them go beyond their juriſdiction, and are guilty of diſobedience to the Law, and the Sovereign who made that law, which is no leſs a legiſlator in eccleſiaſtical matters than in civil, and ought to be acknowledged as ſuch by both.

The magiſtrate is ever judge of the miniſters in all civil matters, but never in thoſe of religion: the proper judge here is the Conſiſtory. If it belonged to the Council to pronounce the judgments of the Church, it would have been inveſted with the right of excommunication, whereas its own members are ſubjected to it themſelves. It is a very ludicrous inconſiſtency attending this buſineſs, that I ſuffer under a civil proſecution for my religious errors, and am not excommunicated for them. The Council proſecute me as an apoſtate, while the Conſiſtory let me ſtand among the number of the faithful. Is not this ſomething very ſingular?

It is true, that in case of dissentions among the ministers themselves about points of doctrine, and that from the obstinacy of one of the parties, they can neither agree among themselves, nor be reconciled by the interposition of the Elders, article the XVIIIth of the Ordinances says, that the cause ought to be laid before the magistrate, who is *to reduce them to order.*

But the silencing a quarrel is not deciding a religious dispute. The Ordinance itself explains the motive for having recourse to the magistrate: it is the obstinacy of one of the parties. Now the police of every state, the inspection of quarrels, the keeping of the peace, the suppression of the refractory, are matters incontestibly annexed to the authority of the magistrate. He cannot be said, on that account, however, to judge of matters of doctrine; but only establishes that peace and order in the assembly, which is necessary to enable them to judge of it.

But even supposing the Council were judges of the doctrine in the last resort, it ought not to interfere so as to pervert the established order of the law; which gives to the Consistory the first cognizance of these matters: In the same manner as it is not permitted it, although supreme judges in some cases, to call civil causes before it, till they have first passed the subordinate courts.

Article XVIII of the Ordinances says, that in case the ministers cannot agree, the cause should

ſhould be brought before the magiſtrate, that he might ſet it in order; but it does not ſay, that the firſt cognizance of the doctrine may be taken from the Conſiſtory by the magiſtrate; nor is there one ſingle precedent of ſuch an uſurpation ſince the Republick exiſted *.

In this particular the author of the Letters from the Country ſeems himſelf to agree with us, in ſaying, that in *caſes of diſpute* the Councils have a right to determine the point of orthodoxy: for this is as much as to ſay, that they have not that right till after excommunication is paſſed by the Conſiſtory; and that they have it not when the members of the Conſiſtory are all agreed.

* In the ſixteenth century aroſe many diſputes about Predeſtination, which ought to have been made the logical amuſement of young pupils, but failed not, according to cuſtom, to become important objects of ſtate. And yet it was decided by the Divines, and that to the prejudice of the publick. I do not know that, ſince the edicts have been promulgated, the Petty Council ever thought of determining any thing concerning religious tenets without their concurrence. I know of but one ſentence of this kind, and this was paſſed by the Aſſembly of the Two Hundred. This related to the great quarrel that happened in 1669 on ſpecial Grace. After ſeveral long and fruitleſs debates in the Company of Paſtors, and in the Conſiſtory, the Profeſſors, not agreeing, brought the affair before the Petty Council, which did not determine it. The Two Hundred called it before them, and decided it. The important queſtion to which it related, was, Whether Jeſus died only for the ſalvation of the elect, or whether he died for the damned?

Theſe diſtinctions of the civil and eccleſiaſtical juriſdiction are clear and well-founded, not only on law, but on reaſon; which does not permit that judges, on whom depends the fate of individuals, ſhould determine otherwiſe than agreeably to conſtant facts, and poſitive proofs of criminality, and not on imputations ſo vague and arbitrary as errors in religion.

What ſecurity would citizens enjoy, if, among ſo many obſcure tenets, capable of various interpretations, the judge might chuſe out of them which he thought proper, to convict or diſculpate the accuſed; to condemn or acquit him at pleaſure.

The proof of theſe diſtinctions is to be found alſo in the inſtitution itſelf, which

damned? After ſeveral ſeſſions and mature deliberations, the magnificent Council of Two Hundred determined that Jeſus died only for the ſalvation of the elect. It is eaſy to be conceived that the deciſion was an affair of party, and that Jeſus would have died for the ſalvation of the damned, had not Profeſſor Tronchin had more intereſt than his adverſary. All this is doubtleſs mighty ridiculous: and it may ſtill be ſaid, that the deciſion of the Council did not relate to a matter of faith, but to the uniformity of public inſtruction; the care of which belongs, without doubt, to the government. It may be added, that the above curious diſpute had ſo much excited the public attention, that the whole city was in an uproar. But no matter for that, the Councils ought to have appeaſed the quarrel, without deciding any thing about the doctrine. The deciſion of all queſtions, in which nobody is intereſted, and which nobody underſtands, ought always to be left to the divines.

would

would not have eſtabliſhed a tribunal that was uſeleſs; yet ſuch it muſt be, if the Council may judge, and particularly in the firſt inſtance, of eccleſiaſtical matters, the eſtabliſhment of the Conſiſtory could be of no manner of utility.

There are beſides a thouſand paſſages in the Ordinances, in which the legiſlature carefully diſtinguiſhes between the two orders; a diſtinction very abſurd and uſeleſs, if in the exerciſe of their functions, the one muſt be ſubject to the other. In articles XXIII and XXIV you may ſee the ſpecification of ſeveral crimes puniſhable by the laws, and of thoſe *which firſt come under the cognizance of the Conſiſtory*.

See the end of the ſame article XXIV, which requires that, in the latter caſe, after the conviction of the criminal, the Conſiſtory ſhould make their report to the Council, annexing thereto its advice. *To the end*, ſays the Ordinance, *that the judgment concerning the puniſhment ſhould be reſerved to the Seignory*. From which terms it is naturally to be inferred, that the judgment concerning the doctrine belongs to the Conſiſtory.

See the oath of the Miniſters; who ſwear to be on their part ſubject and obedient to the laws; and to the Magiſtrate, when their Miniſtry requires it; that is to ſay, without prejudice to the liberty, which they ought to enjoy, of teaching agreeable to what God commands them. But where would be this liberty, if they were by the laws ſubjected, for this

this doctrine, to the determinations of another body besides their own?

See article LXXX; in which the Edict not only charges the Consistory to watch over and guard against the general and particular disorders of the Church; but in which it is instituted for that very purpose. Has that article any meaning, or has it not? Is it absolute, or is it only conditional? Has the Consistory, established by law, only a precarious existence, dependent on the good pleasure of the Council?

See article XCVII of the same Ordinances, where, in regard to cases that require civil punishment, it is said that the Consistory having heard the parties, made remonstrances, and and passed ecclesiastical censures, ought to report the whole to the Council; which, *upon that report* (observe the repetition of that word) *will advise and pass sentence as the case may require.* Peruse, in fine, the remainder of the same article, and forget not that it is the sovereign power that is speaking. "For howsoever joint and inseparable are the sovereignty and superiority God hath given us, and the spiritual government he hath established in his church, they ought by no means to be confounded together; since he who hath universal power to command, and to whom we are desirous of being under all due subjection, would be so acknowledged the author of political and ecclesiastical government, that he hath expressly distinguished the functions as well as the administration of the one and the other."

But

But how can these administrations be distinguished under the general authority of the legislature, if the one encroach at pleasure on the other? If here be not a contradiction, I do not see contradiction in any thing.

To article LXXXVIII, which expressly prescribes the method of proceeding to be observed against the promulgater of new tenets, I shall add another; which is no less important. This is article LIII, entitled, *On the Catechism*; in which it is ordained, that those who persist in disturbing good order, after having been sufficiently warned, shall be called before the Consistory; and *if they will not acquiesce to the* remonstrances which shall be made them, *that report thereof shall be made to the Signiory.*

What good order is it that is here spoken of? The title declares. It must be the good order in matters of doctrine, as the chapter relates only to the Catechism; of which it is a summary. Otherwise, the preservation of good order in general appears to belong rather to the Magistrate than an ecclesiastical tribunal. Observe what a gradation. In the first place the offender is *to be remonstrated with*; if he persists in the offence, *he is to be called before the Consistory*; and if after he will not acquiesce, *report must be made of him to the Signiory*...

In matters of faith, the last resort hath been always to the Councils. Such is the law; such are all your laws. Produce me any article, or passage in your edicts, by virtue of which the petty Council is authorised to assume to itself the first cognizance, and to found a criminal process

in the firſt inſtance, againſt ſuch a crime. Such a ſtep is not only contrary to law; it is likewiſe contrary to equity, to common ſenſe, and to univerſal cuſtom. The rule, in every country in the world, is to conſult, with regard to any art or ſcience, the profeſſors in ſuch ſcience, or the maſters of ſuch art, before judgment is paſſed on what relates to them. Why then, in a matter reſpecting the moſt obſcure, the moſt difficult of all ſciences; when the honour and the liberty of a man, and a citizen, are concerned; wherefore, I ſay, do the Magiſtrates neglect to take thoſe precautions, which they would take in an affair relating to the moſt ſervile and mechanical art, and of the leaſt importance?

Again, what law, what edict, can be produced to juſtify proceedings, the illegality and irregularity of which have been proved, by ſo many arguments, and authorities? The only paſſage which the author of the letters hath been able to find, is one whoſe terms he is obliged to tranſpoſe in order to pervert its meaning.

All eccleſiaſtical remonſtrances ſhould be made in ſuch a manner by the Conſiſtory, that they prove in nothing derogatory from the authority of the Signiory, nor from the ordinary adminiſtration of juſtice, leaving the civil power entire.

Now ſee the conſequence he deduces from this paſſage. "This Ordinance does not ſuppoſe, therefore, as the Remonſtrants in favour of M. Rouſſeau pretend, that the Miniſters of the Goſpel are, in theſe caſes, more proper and more natural judges than the Councils."

Let

Let us begin with this paſſage by firſt correcting the word Councils, which ſhould be in the ſingular number, and that for a ſufficient reaſon.

But where is it that the Remonſtrators have ſuppoſed that the Miniſters of the Goſpel were the more natural judges of theſe matters than the Council * ?

According to the Edicts, the Conſiſtory and the Council are both natural judges, each in its province; the one of the doctrine, and the other of the fact. Thus the civil and eccleſiaſtical powers maintain each their particular authority under the general one of the Sovereign. And, indeed, what would be the ſignification of the term *civil power*, if the exiſtence of ſome other power were not underſtood? For my part, I ſee nothing in this paſſage to alter the natural ſenſe of thoſe I have cited. So far from it, the following lines ſerve to con-

* *The examination and diſcuſſion of this matter*, ſay they, *belongs more properly to the Miniſters of the Goſpel than to the magnificent Council.* But what is the matter here hinted at? It is the queſtion, Whether I have collected in my book, under the appearance of doubts, every thing that may ſerve to ſap and deſtroy the principal foundations of the Chriſtian religion. Hence the Author of the Letters takes occaſion to charge the Remonſtrators with ſaying, that in theſe matters the Miniſters of the Goſpel are more natural judges than the Councils of State. They are undoubtedly ſo with regard to the theological query; but not with regard to the puniſhment due to the crime; and this is all the Remonſtrators either ſaid or intimated.

firm it, in determining the very ſtate in which the Conſiſtory ought to have ſet this proceeding, before it was brought before the Council. This is a concluſion directly contrary to that which the author would deduce from it.

But obſerve in what manner he hath attacked the Ordinance in his inferences, without daring to do it in direct terms.

"Could the Ordinance intend to tie up the "hands of the civil power, and prevent its ſup- "preſſing any outrage committed againſt reli- "gion, till after the Conſiſtory had taken "cognizance of it? Were this the caſe, it "would follow, that any one might write with "impunity againſt religion; as the accuſed, "under the appearance of ſubmiſſion, might "always find means to eſcape; and the perſon "who had traduced the cauſe of religion "throughout the whole world, might avoid the "infamy of it by means of a fictitious repen- "tance."

It is to prevent this terrible misfortune, this ſcandalous impunity, that the author would not have the law obſerved ſtrictly according to the letter. Sixteen pages after, the ſame writer hath the following paſſage.

"Politicks and philoſophy may ſtand up for "this liberty of writing any thing, but our "laws are againſt it. Now the point to be "determined is, whether the judgment paſſed "by the Council on the Works of M. Rouſſeau, "and the decree iſſued out againſt his perſon, "be contrary to our laws, and not to deter-

"mine

"mine whether or not it be conformable to "philoſophy or politicks."

Again, this author, admitting that the condemnation of a book does not deſtroy the force of its arguments, but may make them more known, and give them a greater degree of celebrity; adds, that, "in this reſpect his maxims "are conformable to thoſe of the Remonſtra-"tors. But that ſuch maxims nevertheleſs are "not thoſe of our laws."

Putting theſe paſſages together, I find their meaning to be nearly as follows.

"Although philoſophy, polity, and reaſon, may ſtand up for the liberty of writing any thing, this liberty ought to be puniſhed in our ſtate, becauſe it is forbidden by our laws. But our laws ought not, however, to be obſerved ſtrictly according to the letter; becauſe in that caſe ſuch liberty would not be puniſhed."

To confeſs the truth, I perceive ſuch a ſtrange confuſion in this writer's arguments as ſhocks me, and yet he appears to be a man of genius and underſtanding. Thus I am almoſt tempted to believe, that I have fallen into ſome error in this retroſpect, without my being able to conceive in what particular. Compare yourſelf, therefore, pages 14, 22, and 30, of the *Letters from the Mountains*, and ſee if I am right or wrong.

Be this, however, as it may; until the author ſhall pleaſe to point out the other laws, by which the precepts of philoſophy and politicks are contraverted, we ſhall proceed in our examination of his objections againſt this.

In the first place, the Magistrate in a republican state, is so far from being permitted to extend the law for fear of letting crimes go unpunished, that he is not even permitted to extend it to crimes, against which it is not formally and expressly intended. It is well known how many criminals escape punishment in England, under favour of the smallest and subtilest distinction in the forms of laws. *Whoever is more severe than the laws* (says Vauvenargue,) *is a tyrant.**

But let us see if the consequence of impunity in such affairs as these, is so terrible as the author of the Letters has represented it.

In order to judge rightly of the spirit of the law, it is necessary to recollect this great principle, viz. that the best penal laws are those which deduce the punishments inflicted on crimes from the nature of the crimes themselves. Thus assassins ought to be punished with death; robbers by the loss of their property, or, if they have no property, by the loss of their liberty,

* As at Geneva there are no penal laws, properly so called, the punishment of crimes is arbitrary, and left to the determination of the magistrates; which is certainly a great defect in the Legislature, and an enormous abuse in a free state. But then this authority of the Magistrate extends only to crimes against the Law of Nature, acknowledged to be such in every society, or to such things as are expressly forbidden by any positive law. It does not go so far as to the invention of imaginary crimes, nor to any crime whatever, so far as to subvert the order of proceeding, as settled by law, for fear the criminal should escape.

the

the only property left them. In like manner, with regard to crimes committed againſt religion, the puniſhments ought to be entirely deduced from religion: Such, for example, is the deprivation of giving teſtimony on oath; ſuch alſo is excommunication, preſcribed here as the greateſt penalty that can be inflicted on thoſe who write againſt religion: always excepting, however, an appeal to the civil Magiſtrate for the civil puniſhment due to the crime as far as it is civil.

Now it is to be remembered that the Ordinance, as well as the Letter-writer and myſelf, ſpeak here only of a ſimple offence againſt religion. If the crime were complicated; as, for inſtance, if I had printed my book in the territory of the ſtate without permiſſion, it is inconteſtable that my being acquitted by the Conſiſtory would not acquit me before the Magiſtrate.

This diſtinction being made, I recur to the argument, and ſay, there is this difference between crimes againſt religion and civil crimes, that the laſt offer to mankind or to the laws a real inſult or injury, for which the public ſecurity neceſſarily requires reparation and puniſhment: Whereas the former are merely offences committed againſt the Deity, whom nothing can injure, and who is ready to forgive thoſe who are penitent. When the Deity is appeaſed, no crime remains to be puniſhed, except that of the ſcandal, and this is repaired by making the penitence as public as may have been the crime. Chriſtian charity would thus

imitate divine clemency, and it muſt certainly be deemed abſurd and inconſiſtent to avenge the cauſe of religion by a ſeverity which religion diſapproves. I confeſs that human juſtice has not, nor ought to have, any regard to repentance; but here we ſee the very reaſon why, in a ſpecies of crime which penitence may attone for, the Ordinance preſcribes ſuch meaſures that the Civil Tribunal ſhall not firſt take cognizance of it.

The terrible inconvenience, therefore, which the author affects to find, in leaving the crimes againſt religion unpuniſhed by the civil power, has not that reality which he is pleaſed to impute to it: While the conſequence, which he deduces from it, to prove that ſuch is not the ſpirit of the law, is not juſt, but contrary to the expreſs terms of the law.

He adds, *thus whatever may be the crime committed againſt religion, the accuſed may, by appearing to ſubmit, always be ſure to eſcape.* But the Ordinance does not ſay, by *appearing* to ſubmit, but by actually ſubmitting; and there are means as certain in this caſe, as can be had in any other, to diſtinguiſh between reality and appearance; particularly with regard to exterior effects, which is all that is comprehended under the word *ſubmiſſion.*

If the delinquent ſhould relapſe after ſubmiſſion, he commits a new and aggravated crime, and deſerves a more rigorous puniſhment: The means of bringing him back to his duty becoming of courſe more ſevere. The Council may in ſuch a caſe adopt the judicial forms

forms of the Inquiſition; but if the author of the Letters ſhould think thoſe too mild, he ought at leaſt to make ſome diſtinction: For it is certainly unjuſt to treat the delinquent, for fear he ſhould relapſe, in the ſame manner as if he had already relapſed.

It is on theſe falſe concluſions, however, that the author ventures to affirm, that the Edict hath no other object in view, by this article, than to regulate the procedure and aſcertain the juriſdiction of the Tribunals. What then is the purport of this Edict, according to him? It is certainly this: It meant to prevent the Conſiſtory from proſecuting perſons, to whom ſuch things are imputed as they have not ſaid, or whoſe miſdeeds have been exaggerated; to prevent, I ſay, their proſecuting ſuch people before they had firſt conferred with them, and endeavoured to reclaim them. But what is the proſecution on the part of the Conſiſtory? It is nothing more than the excommunication and referring of them to the Council. So that, for fear the Conſiſtory ſhould turn over the delinquent too eaſily to the Council, the Edict delivers him to the Council in the firſt inſtance! This is certainly a precaution of a new and ſingular kind. It is admirable that the law takes ſuch pains in this caſe, to prevent the Conſiſtory's precipitate proſecutions, and yet ſhould take none to prevent the like precipitancy in the Council; that it ſhould be ſo ſcrupulouſly intent to prevent defamation, and that it ſhould take no manner of care to prevent puniſhment; that it ſhould provide ſo many ways againſt a man's

being undeſervedly excommunicated, and that it ſhould not provide at all againſt his being undeſervedly burnt at the ſtake; that it ſhould be ſo very apprehenſive of the ſeverity of our Miniſters, and not at all of that of our Judges! It was aſſuredly very proper to ſet ſuch ſtore by the communion of the faithful; but it was by no means proper to make ſo light of their ſecurity, liberty, and life. At the ſame time, that religion, which allowed ſo little indulgence to its protectors, ought not to have allowed ſo much to the cruelty of its avengers.

Such, according to our Author, is the very ſolid reaſon why the Ordinance did not mean to ſay, what it really hath ſaid: the bare mention of which is a ſufficient reply to it. We ſhall proceed, therefore, to his application; which we ſhall find to be no leſs curious than his conſtruction.

The LXXXVIIIth Article relates to perſons who dogmatize, teach, and inſtruct. It does not ſpeak a word of a mere author, who does nothing more than publiſh a book; about which he troubles himſelf no farther. To ſay the truth, this diſtinction appears to me a little too refined; for, as the Remonſtrators very juſtly obſerve, a man may dogmatize as well by means of his pen as his tongue. But admitting this refinement, we ſhall find the diſtinction tends rather to mitigate the law, than to aggravate its ſeverity.

In all ſtates, the Police watches very carefully over all thoſe who inſtruct, teach, and dogma-

dogmatize; permitting these functions to be exercised only by persons properly authorized. It is not even lawful for a man to preach orthodox doctrines, unless he be legally admitted as a preacher. The blind populace are easily deceived; while the Dogmatist may attract them in crowds, and lead them on by degrees to tumults and insurrections. The slightest enterprize of this kind is always considered as a criminal attempt, on account of the consequences with which it may be followed.

This is not the case with respect to an Author: if he offers us his instructions, at least he attracts not a multitude, raises no tumults, compels nobody to hear or read his book; he seeks for no man, and comes not, without being sent for; he leaves you to reflect on what he has said, he disputes not, is neither angry nor obstinate, removes no doubts, answers no objections, intrudes not on you; when you choose retirement, he withdraws; and, what is most to the purpose, never speaks in publick.

Thus, the publication of a book was not held in the same light, by any government, as the sinister practices of the Dogmatist. There are even countries where the press enjoys an entire liberty; but I know of none that admit any person to teach, indifferently. In those places where the laws prohibit printing without licence, the refractory are sometimes punished. But the remissness of those in power, by suffering the same books to be imported, shews, that they regard not a book as a matter of consequence; and that the fear only, of

being thought to approve of the maxims therein contained, has prevented their publication.

This is fact, especially with respect to books which, like mine, were never intended for the vulgar. I know, your Advocate affirms, in his answers, that *it is manifest, from the design of the author, that Emilius was intended as an instruction to parents* *. But that assertion is no excuse, as I have plainly shewn in the Preface, and in several parts of the book, that it was meant for a purpose very different. It treats of a new method of education, the plan of which is submitted to the judgment of the learned in general, without any regard to parents, whom I had not at all in contemplation. If by a figure common enough, I seemed to address them in particular, it was in order to make myself better understood, or that I might express my meaning in fewer words. I admit, it was at the earnest request of a lady, who is herself a mother, that I engaged in the work. But that mother, though young and beautiful, is so much a philosopher, as to have a perfect knowledge of the human heart. In person she is an ornament, in understanding an exception to the sex. It was for persons of her character I took up the pen, not for reptiles of that stamp, who can read without understanding me, and who abuse me without incurring my displeasure.

* Pages 22 and 23. of the printed Representations.

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The result of the distinction supposes, that if the method of proceeding against the Dogmatist is no way applicable to an Author, it is because its severity exceeds any crime, of which the latter might be thought guilty. This consequence, however natural, and which you and every reader may draw, surely, as well as I, is quite different from the inference of the Letter-writer. I shall give you his own words, tho' I am apprehensive of losing all my credit, when I come to speak after him.

"It is evident to any person who reads that "article of the Regulation, that it was merely "intended to restrain such as, by their seditious harangues, propagate principles dangerous to society. *If they submit*, says the "Ordinance, *let them be supported and protected, without impeachment of their reputation.* Why so? Because we have then a "reasonable security that they will no longer "sow tares among the wheat, and that they "are to be no more dreaded. But where is "the use of a recantation, real or feigned, "when the seditious author has stamped indelible impressions, and scattered the poison of "his opinions throughout the universe? The "guilt is compleat, it will always remain, and "is, in the eye of law, exactly of a piece "with other crimes, the repentance of which "avails nothing, when justice has once taken "cognizance of them."

Here is sufficient to raise our indignation; but let us drop all animosity, and calmly reason on the subject. So long as a man dogmatizes,

tizes, he does evil continually, and is to be feared, till he ſubmits and acknowledges his fault. His very liberty is pernicious, as he employs it to the worſt of purpoſes; and though he may at laſt be reclaimed, yet the doctrines he has ſpread are for ever fixed, and the guilt brought to its higheſt conſummation. On the contrary, when a book is publiſhed, the miſchief done by the Author ceaſes, and devolves on his writings. Whether the author be in priſon, or at liberty, the book goes on its circuit. And though the puniſhment inflicted on him may be a juſt ſentence of the law, yet it will never prove a remedy for what is paſt, or ſtop the evil of its future progreſs.

Thus the method of cure, proper for both theſe maladies, is intirely different. The ſureſt means of draining the ſource, from whence the miſchiefs of the Dogmatiſt flow, are to arreſt him directly: But to treat the author in the ſame manner, would anſwer no wiſe end: On the contrary, it would but increaſe the evil, by rendering his book more popular, and conſequently make bad worſe, as the Letter-writer ſomewhere expreſſes it. Therefore this method of proceeding is highly improper, the precaution, in this caſe, being needleſs, and quite inconſiſtent with the ſubject. It is a penalty that ſhould only be inflicted after trial and condemnation, and which ſerves no purpoſe, but the mere puniſhment of the offender. Though the crime ſhould not be even of a civil nature, yet we ought to begin by reaſoning with him. We ſhould convince, and exhort

hort him to make reparation; to abjure, in the moſt publick manner, the erroneous opinions he had propagated, and ſo readily, as that his laſt ſentiments might reinſtate thoſe in their orthodoxy, whom his former doctrine and principles had ſo fatally corrupted. If inſtead of complying, he ſhould continue his heretical contumacy; then, and only then, we ought to apply corroſives, when gentler methods have failed in their effect. If ſuch methods were purſued, we ſhould certainly find them anſwered by ſuitable returns. Such is the ſpirit of the Law, ſuch the deſign of a wiſe Government, *leſs inclined to puniſh the author, than to prevent the pernicious effects of his work* *.

What lenity, therefore, ſhould not an Author be treated with, when the Ordinance, which is conformable to the ſpirit of Chriſtianity, requires not that even Dogmatiſts ſhould be arreſted, till after all means, to recall them to their duty, have been tried? The Legiſlature would prefer the hazard of a probable evil, to the certainty of preventing it, by ſuch methods as charity forbids. Pray, how does it appear, or whence can it be concluded, therefore, that the ſame Ordinance would iſſue a Decree for taking the Author into cuſtody?

But the writer of the Letters, after declaring that his maxims, with reſpect to that article, would be found to agree very well with thoſe of the Remonſtrants, adds, *but theſe are*

* Page 25.

not

not maxims of our Law; and immediately after, *That thoſe who inclined to a free toleration, could, nevertheleſs, be ſevere on the Council, for not having ſilenced a Law, whoſe exertion was by no means anſwerable to their conveniency* *. This concluſion is really ſurprizing, after ſo many attempts to prove, that the only Law, which ſeems applicable to my offence, has not, at the ſame time, any neceſſary connection with it. The reproach caſt on the Council, is not for ſilencing a law now in force, but for uſing that as law, which never before exiſted as ſuch.

The arguments made uſe of by this author, ſeem to me very ſingular, and a quite new ſpecies of logick. Do you imagine, Sir, there is any reaſoning to be found in this ſyllogiſm?

The Law obliges the Council to treat the Author of the book with ſeverity.

And what is that Law, that obliges the Council to be ſevere againſt the Author? He then proceeds:

In fact there is no ſuch Law; but there is another, which preſcribes that the Dogmatiſt ſhould be treated with lenity: Ergo, the Author, of whom it makes not the leaſt mention, is to be puniſhed with rigour.

This reaſoning will appear more ſtrange to thoſe who know that Morelli was proſecuted, not as a Dogmatiſt, but merely as an Author. He had written a book, and on that alone his

* Page 23.

accu-

accuſation was grounded. According to our Author, there was no occaſion for him to be heard in his defence; his crime conſiſted merely in writing a book; yet he was heard, and not only heard, but heard with attention: the whole procedure was carried on exactly as the Ordinance directs, with regard to that point, which, we are told, has nothing to do with books, or authors. The book was not even burnt, till the author abſconded; no order iſſued for his being apprehended; no mention made of his puniſhment *. In effect, all this was done under the eyes of the Government, by the moſt ſanguine partizans of the Ordinance, at the very moment of its inſtitution, when, according to this anonymous author, the ſevere ſpirit by which it was dictated, was at its greateſt heighth, and which he alledges as a

* Obſerve the circumſpection of the Magiſtracy throughout this whole affair, the gentle and gradual methods of their procedure, the report of the Conſiſtory, and all the ſolemnity of paſſing ſentence. the Syndics, ſeated on their tribunal, with the Scriptures before them, invoked the name of God. After mature deliberation, and aſking advice of the citizens, they pronounced Judgment, in preſence of the people, for their information, which they printed and publiſhed; and all this mock ſolemnity, only for the condemnation of a book, without diſhonouring, or decreeing, in any manner, againſt the obſtinate and contumacious author. But theſe gentlemen have ſince learned to diſpoſe of the honour and liberty of men with leſs ceremony, and eſpecially with reſpect to their own citizens: for it is to be noted, that Morelli was a ſtranger.

juſtification of the rigour, with which I was treated.

Now hear the diſtinctions he has made on this ſubject. After ridiculing the lenity uſed in the caſe of Morelli, the time given him for his ſubmiſſion, the ſlow and regular procedure before the order for burning his book, he adds, "All theſe ſteps were very proper, but muſt "it be concluded from hence, that in all caſes "this muſt be brought as a precedent? Muſt "the proceſs be the ſame againſt an abſentee, "who attacks all religion, as againſt a perſon, "who is preſent, and who has only cenſured "the diſcipline? which being the inſtitution "of men, may be ſuſpected of error *; that is "to ſay, in other words, ought the ſame le- "nity to be exerciſed towards a man, who "meddles not with their laws, and who lives "out of their juriſdiction; as to one who at- "tacks their laws, and is, at the ſame time, "their ſubject?" It ſeems, this cannot admit of a doubt. But I am certain it is the firſt time it ever entered the mind of man to conceive, that the crime was aggravated only becauſe it was committed without the limits of the ſtate.

"Indeed, continues he, it is remarked in "the Repreſentations in favour of M. Rouſ- "ſeau, that Morelli only wrote againſt a point "of diſcipline; and that M. Rouſſeau, in the "opinion of his judges, attacked the funda- "mentals of all religion. But this reflection

* Page 17.

"may

" may not be univerſally admitted, and thoſe " who regard religion as of divine inſtitution, " and as the ſupport of the conſtitution, may " be of opinion, that it is more criminal to " attempt its ſubverſion, than to write againſt " mere matters of form, which are of human " invention, and may be thought ſuſceptible " of error; at leaſt, may admit of alterations, " without derogating from the purity of reli- " gion *."

This reaſoning might, I confeſs, ſeem very proper from the mouth of a Capuchin friar; but I am aſtoniſhed that it ſhould come from the pen of a magiſtrate. What does it ſignify, whether this remark of the Remonſtrants be generally admitted, or not, if thoſe by whom it is rejected, are incapable of reaſoning upon the ſubject.

Without doubt, it is a greater crime in the ſight of God to offend againſt religion, than barely to find fault with diſcipline. But it is not ſo before an earthly tribunal, which is eſtabliſhed for the puniſhment of crimes, not of ſins; and are not the avengers of Heaven, but of the Laws.

Religion can never make a part of the conſtitution, but as far as it relates to the actions of men. The Law orders, or forbids actions, but cannot direct our belief. So, whoever attacks not the practice of Religion, incurs not the diſpleaſure of the Law.

* Page 18.

But

But as diſcipline is an eſſential part of the legiſlature, it becomes itſelf a law. He that attacks that, offends againſt the law, by attempting to ſubvert the conſtitution. Though that conſtitution, before its eſtabliſhment, was ſuſceptible of different forms of diſcipline, is it leſs reſpectable for having adopted one of thoſe forms, in preference to all the reſt? Is not the political law, therefore, with regard to temporal affairs, as immutably fixed, as that of divine inſtitution?

Thoſe who, in this caſe, ſhould reject the remark of the Remonſtrants, would be much in the wrong, as it was made by the very Council in the ſentence againſt Morelli's book, which is accuſed particularly, *of tending to promote ſchiſm and ſedition in the ſtate*; an imputation it would be difficult to lay to my charge.

The buſineſs of civil tribunals is not to defend the cauſe of God, but only that of men. They have not the charge of ſouls, but of bodies. It is the ſtate, and not the church, they are appointed to take care of; and whenever they meddle in religious matters, it is only as far as they relate to the laws, with reſpect to good order, and the ſafety of the publick. Theſe are the maxims of true policy; not founded on the doctrine of abſolute power, but on reaſon and juſtice. Whenever the civil magiſtrate ſwerves from the proper object of his juriſdiction, the moſt criminal abuſes are introduced, the ſtate put into diſorder, and both law

law and authority degenerate, and become a publick nuisance. I am sorry for the people of Geneva; whom, it is plain, the Council sufficiently despises, in daring to impose on them with such arguments, to which they are greater dupes than the most ignorant and superstitious nation in Europe. Your Remonstrants reason on that subject like Statesmen, and your Magistrates like Monks.

As a proof that the example of Morelli is no precedent, the author of the Letters compares the prosecution against him, with that carried on against Nicholas Antoine, in 1632, a poor mad creature, whom the Council, at the instance of the Ministers, sentenced to be burnt, for the good of his soul. These Auto-da-Fès, as I observed before, were no rarities at Geneva; and it appears, with regard to myself, that these gentlemen are very well inclined to renew, and establish, that species of Inquisition in their country.

I shall faithfully transcribe the passages, that I may avoid imitating the malice of my enemies. We will now proceed to examine the process in the case of Nicholas Antoine.

"The ecclesiastical sentence is still existing, "and we are not so remote from the time it was "pronounced, but that we may perceive by "what spirit it was dictated. Was Antoine cited "to appear before the Consistory? Yet amidst so "many voices that exclaimed against this san-"guinary decree, and notwithstanding the ef-"forts made to save him, by all humane and mo-"derate persons, yet no man condemned the ir-

"regularity

" regularity of the proceſs. Morelli was cited to " the Conſiſtory; Antoine was not; therefore, " citation is not neceſſary in all caſes †."

Perhaps you will imagine that the Council acted as precipitately againſt Antoine, as it did againſt me, with regard to the Miniſters or the Conſiſtory; you ſhall know preſently.

Nicholas Antoine, in one of his fits of frenzy, being about to caſt himſelf into the Rhône, the Magiſtrate was determined to remove him from the public houſe, where he lodged, in order to place him in the Hoſpital, and put him under the care of the Phyſicians.

" He remained there ſome time, uttering the " moſt horrid blaſphemies againſt the Chriſtian " religion. The Miniſters came to him con- " ſtantly, and endeavoured, during his lucid in- " tervals, to reclaim him from his errors, but " in vain. He perſiſted in declaring, he would " never change his ſentiments, and that he was " prepared to ſuffer for the glory of the great " God of Iſrael. Not being able to prevail, " they informed the Council, and repreſenting " him as more impious than Servetus, Gentilis, " and all the Antitrinitarians together, they " concluded that he ſhould be ſtrictly confined, " which was executed accordingly *."

You now perceive why he was not cited to the Conſiſtory; it was becauſe being very ill, and under the care of the Phyſicians, it was impoſſible he ſhould appear. But if he went

† Page 17.

* Hiſt. of Geneva, in 12mo. vol. ii. p. 550.

not

not to the Conſiſtory, the Conſiſtory, or its Members, came to him. The Miniſters ſaw and exhorted him every day. At length, all their endeavours proving vain, they made their reports to the Council, repreſenting him in a worſe light than any of thoſe who had been condemned to death, and required he ſhould be ſent to priſon, which was granted to their importunity.

The Miniſters, ſtill indefatigable, renewed their exhortations in the priſon, and diſcuſſed with him ſeveral paſſages of the Old Teſtament: they conjured him, by all they imagined might affect him†, to renounce his errors; but he continued unmoved. He was then brought before the civil Magiſtrate, who adminiſtred the uſual interrogatories. During this proceſs, the Magiſtrate had again recourſe to the Miniſters, who appeared before the Council, to the number of fifteen, as well Paſtors as Profeſſors. Their opinions were divided, but the advice of the majority prevailed, and Nicholas was executed.

As this proceſs was entirely eccleſiaſtical, it might properly be ſaid, that Nicholas was burnt by the hands of the Miniſters.

* Suppoſe he had renounced his errors, would they have afterwards put him to death? According to this author's maxims they ſhould have done ſo. But it appears that, notwithſtanding his incorrigible obſtinacy, the Magiſtrate ceaſed not to adviſe with the Miniſters. He looked on him, as being ſtill liable to their juriſdiction.

Such,

Such, Sir, was the order of procedure, in which the author of the Letters aſſures us, Antoine was never cited before the Conſiſtory; from whence he concludes that form may ſometimes be unneceſſary. Has he, do you think, quoted a caſe any way ſuitable to his purpoſe?

But admitting it to be ſo, what is the concluſion? The Remonſtrants argue from a fact, in order to eſtabliſh a law; the author of the Letters draws an inference from a fact againſt that very law. If the authority of theſe facts deſtroy each other, the law remains juſt as it was. Is the law leſs poſitive for being once infringed; and does a violation of it in one inſtance, give us the right of perpetual tranſgreſſion?

Let us conclude, in our turn. If I have dogmatized, I am certainly obnoxious to the law. If I have not, what have they to object againſt me? I have broke no Ordinance *. And this muſt be the alternative: If there be a law againſt which I have offended, I am guilty; but if that is only ſuppoſed to be law, which is not ſo in fact, then I cannot have trangreſſed againſt that which has no exiſtence.

It is certain, that a bare judging of the works, is no definitive ſentence againſt the

* Nothing is criminal that tranſgreſſes no law of Nature, but where there is a prohibition by ſome poſitive law of ſociety. This remark is intended to ſhew your ſuperficial reaſoners, the exactneſs of my dilemma.

author.

author. An order has been iſſued for arreſting him, but that is no great matter. I think it ſevere; but we muſt not be unjuſt, even to thoſe who are ſo to us, or look for iniquity where it is impoſſible to be found. I accuſe not the Council on account of their diſtinction between the book and the man, which they meant as an apology for their raſh ſentence, in condemning me unheard.

The Judges might poſſibly have ſeen the caſe in the ſame light they have repreſented it, therefore I do not accuſe them of deceit, or want of probity. I only blame them for ſuffering themſelves to be impoſed on in a very ſerious affair, at my expence. To be deceived in pardoning, is tolerable; but to ſuffer an impoſition, in order to condemn, is a moſt cruel and deteſtable miſtake.

The Council, in their anſwers, advanced, that notwithſtanding the diſhonour thrown on my book, they allowed me, as to my perſon, the benefit of all my exceptions and defence.

The authors of the Remonſtrances reply, that they cannot comprehend what defence, or exceptions can be taken, by a man who is publickly declared impious, inſolent, and ſcandalous, and diſhonoured by the hands of the executioner, in the works that bear his name.

"You ſuppoſe a falſity (ſays the writer of the Letters,) "which is, that the ſentence "paſſed on the works is communicated to "the author. But this ſentence has not in

" the leaſt ſullied his reputation, therefore his " defence and exceptions are ſtill valid, as " far as relates to his perſon *."

You deceive yourſelf, would I anſwer this writer. It is true, that the judgment, which has not deſtroyed the credit of the book, has not yet attacked the life of the author, but it has murdered his honour. His exceptions and defence are ſtill good, as to the pain afflictive; but he has already received, in his mangled reputation, the utmoſt rigour of the pain infamous. He is now effectually ruined and diſhonoured, as far as depended on his Judges. The only point undecided with them is, whether they ſhall not yet commit him to the flames.

The diſtinction between the Author and the Book is trifling, becauſe a book is abſolutely unpuniſhable. A book, conſidered in the abſtract, can be neither impious nor inſolent; theſe epithets properly belong to the doctrine it contains, that is, to the author of that doctrine. When a book is burnt, what puniſhment does the executioner inflict? Does the paper ſuffer either pain or infamy? Or how can it, in any ſenſe, be diſhonoured? Who ever heard that a book, which is but paper, was, in itſelf, capable of receiving either honour or diſgrace.

Here lies the error, and this the ſource of it, a cuſtom ill underſtood.

Of the multitude of books, which are publiſhed every day, few are written with a laud-

* Page 21.

able

able intention. At leaſt ſixty in an hundred are written through motives of intereſt or ambition; thirty others, dictated by the ſpirit of hatred and party rage, convey to the publick, under the maſque of being anonymous, the bitter poiſon of ſatyr and detraction. Ten, perhaps, (and that is much,) have juſt and honourable views; they publiſh the truth, they know and purſue the good they love. But what author is ever pardoned the crime of telling truth? He muſt conceal himſelf, or he dare not utter it. To be uſeful with impunity, he muſt ſend his book abroad, but be ſure ſtill to keep himſelf concealed at home.

Of this great variety of books, the bad ones, and almoſt all thoſe which have even merit, are condemned and ſuppreſſed, if poſſible, by the Courts of Judicature. The reaſon is ſelf evident; it is but a formality, leſt it ſhould be thought thoſe books were tacitly approved of. For the reſt, if the author avoids putting his name, though every body knows it, yet the magiſtrate takes no notice. Many perſons own themſelves the authors, out of vanity at one time, and diſavow it, at another, through fear. The ſame man ſhall be the author, or not, in preſence of the ſame perſon, as it happens to be, either at an audience or an entertainment. It is only ſaying yes, and no, without giving themſelves any farther trouble; and by this artifice, ſecurity is never ſacrificed to vanity. It is my want of this prudence and addreſs that the author of

the Letters has taken occaſion to cenſure, which, however, were unneceſſary in my caſe, and, at beſt, lays the mind under a diſagreeable embarraſſment.

This method of proceeding againſt anonymous books, whoſe authors it is thought improper to know, is become a practice in the Courts. When they would be ſevere againſt the book, they burn it, becauſe they then have no body to proſecute, and perceive that the concealed author has no great inclination to declare himſelf; they have the pleaſure of ridiculing, with the very author, at night, thoſe informations they have received againſt him in the morning. Such is the probity of theſe honourable magiſtrates.

But when an author is deficient in addreſs, that is, one who knows his duty, who would fulfil it, and who thinks he ought to tell the publick nothing he dare not avow; who is neither aſhamed of his name, nor of anſwering for what he has written; then equity, which forbids that a man of honour ſhould be puniſhed for his want of artifice, preſcribes a different method of proceeding. There ſhould be no diſtinction, then, between the book and the man. As he has ſhewed, by putting his name to it, his deſire they ſhould not be ſeparated, equity requires that there be no judgment paſſed on the work, till the author be called upon, who only can anſwer for it. So that to condemn an anonymous book, is, in fact, to condemn nothing but the book; but to condemn a book,

book, that bears the name of the author, is an abſolute condemnation of the author himſelf; and to deprive him of an opportunity of anſwering for his conduct, is, in fact, to condemn him unheard.

The preliminary citation, therefore, and the decree of caption, are indiſpenſibly neceſſary in ſuch caſe, previous to any proceſs againſt the book. It is in vain to ſay, with the author of the Letters, that the guilt is evident, that it appears in the book itſelf: this can be no reaſon for diſpenſing with the neceſſary forms of judicial proceedings, which are conſtantly followed with reſpect to crimes of the moſt heinous nature, the beſt atteſted, and the plaineſt proved. For though a murder had been perpetrated in the ſight of multitudes, yet, the aſſaſſin is not to be condemned before he is heard, nor without putting it in his power to anſwer for himſelf.

Why ſhould the honeſt openneſs of an author, in avowing himſelf, be conſtrued as a mark of guilt, and turn ſo much to his diſadvantage? Should it not, on the contrary, make him more worthy our eſteem? Ought the Judges to be more circumſpect, than if he had concealed his name? Why has he riſqued his ſafety, by treating on bold ſubjects, that may be liable to exception, unleſs he was inſured againſt danger, by the defence he could be capable of making; and which may be preſumed, from the ſincerity of his conduct? The author of the Letters may make as free as he pleaſes, with what he calls

imprudence, and want of addreſs; but, in my opinion, it is no more than the part of an honeſt man, who ſees his duty in what is falſely termed imprudence; who is ſenſible he has nothing to fear, if judged by the rules of equity; and who thinks it an unpardonable meanneſs of ſoul, to publiſh what he dare not avow.

If there were nothing in queſtion but the reputation of an author, where is the neceſſity of prefixing his name to the book? Who is ignorant of the artifice uſed by ſome authors, to receive all the honour without running the riſque? to magnify their characters, without the trouble of being called in queſtion; and to aſſume an air of humility, when really infected with the ſtrongeſt vanity? What authors, of a certain claſs, are unacquainted with this little ſtroke of addreſs? Which of them knows not, that he is even unworthy the dignity of naming himſelf? As if every one, who reads the work, could be capable of gueſſing the great man that compoſed it?

But theſe gentlemen have never ſeen any thing out of the ordinary courſe: and ſo far are they from perceiving the exception in my favour, that they have actually made uſe of it againſt me. They ought either to burn the book, without regarding the author; or, if they began with him, they ſhould wait for his appearance, or contumacy, before they proceeded to burn his book. But, on the reverſe, they firſt burned the book, as if they knew

knew not the author; and condemned the author, as if the book had not been burnt. What! Judge me, after they had declared me infamous? What would they have? For what fate, more dreadful, do they yet reserve me? Are they ignorant, that an honeſt man prizes his reputation beyond his life? What penalty remains for him, when he is publickly diſhonoured? To what purpoſe ſhould I aver my innocence before the Judges, when the treatment I received without being heard, is a more cruel puniſhment than any they could have impoſed, admitting they had found me guilty?

They began with treating me, in all reſpects, as a malefactor, who had no longer any honour to loſe, and who could receive no future puniſhment, but what was corporal; and after, with all the coolneſs imaginable, declared me entitled to my exceptions and defence. But how can theſe exceptions, or any defence I ſhould make, ever efface the ignominious affronts I before ſuſtained, both in my book and perſon? Suppoſe I had been publickly dragged through the ſtreets by officers, and, to all the evils with which I had been loaded, they had added the rigours of a priſon? What then? Are all perſons, and all crimes to be confounded, with any degree of juſtice? Muſt a citizen of irreproachable character be dragged to priſon, like a vagabond, for an act of ſincerity, falſely called want of addreſs? And of what advantage are integrity of life and the publick

eſteem, in the conſideration of the Judges, when the untainted honour of fifty years has not credit ſufficient to procure exemption from the groſſeſt affronts * ?

" The compariſon between the proſecu-
" tion carried on againſt Emilius, the tole-
" ration of the other works, and the partia-
" lity with which they take the liberty of re-
" proaching the Council, on that account,
" ſeem not well grounded. It is bad reaſon-
" ing to ſay, that becauſe a government was
" once guilty of diſſimulation, it is obliged
" always to be ſo. If it happens through
" neglect, it may be redreſſed; if it be a ſi-
" lence that circumſtances or policy require,
" there would be very little juſtice in making
" it matter of reproach. I do not pretend to
" juſtify the writings pointed out in the Re-
" monſtrances; but is there really, in con-
" ſcience, no difference between books that
" have only here and there ſome indiſcreet
" touches againſt religion, and thoſe in which

* In the examination on the interrogatories there was ſufficient proof to deſtroy the credit of the preſumptions the author of the Letters affects to accumulate on me. He ſays, the offending books were of the ſame ſize as my other Works. It is true, they were in duodecimo and octavo. Of what ſize, therefore, are other authors? He adds, that they were all printed by the ſame bookſeller. This is a falſe aſſertion; Emilius was printed by other hands, and in a different type, from the reſt of my Works. So the proof that muſt reſult, from bringing the witneſſes and the accuſed face to face, would contribute to my diſcharge.

" we

"we find the whole civil ſociety of mankind "violently aſſaulted, by opinions abruptly "and groſsly obtruded on the underſtanding, "and exerting the moſt pernicious influ- "ence? Let us impartially conſider the dif- "ferent merits of theſe works, and compare "them together; let us judge of them by "the impreſſion they make on the world; "the firſt are publiſhed, and diſperſed every "where; the laſt are received in a manner "ſuitable to the juſt contempt and abhor- "rence they ſo well deſerve *."

I thought proper to tranſcribe the whole of this paragraph. I ſhall now quote it by fragments; it deſerves really to be analyzed.

Why were not theſe books printed at Geneva? Why were they not licenſed? Works which cannot be read without indignation, are there ſold publickly: every one reads and admires them; the magiſtrates are ſilent, the miniſters ſmile, auſterity is no longer in faſhion. I, and my books alone, were the objects of animadverſion. But of what animadverſion? The moſt dreadful that can be conceived. Good God! I never could have believed myſelf ſo great a villain.

The compariſon between the proſecution carried on againſt Emilius, the toleration of the other Works, and the partiality with which they take the liberty of reproaching the Council on that account, ſeem not well grounded. I hope ſo, too.

* Page 23, 24.

It is bad reasoning to say, that because a Government was once guilty of dissimulation, it must be always obliged to do the same. Be it so; but consider the times, the places, and the persons. Consider with what writings they thus dissembled, and those, with respect to which they were determined to dissemble no longer. Behold the authors that are caressed at Geneva, and behold those who are there persecuted.

If it happens through neglect, it ought to be redressed. They can, they ought, but have they done so? I and my writings have been blackened without deserving it, and those who have merited censure are tolerated, as much as ever. I only am the person excepted.

If it be a silence that circumstances and policy require, there would be very little justice in making it a matter of reproach. If you are compelled to tolerate reprehensible books, grant the same privilege to those that are blameless. Decency requires a concealment of such scandalous partiality from the vulgar, which punishes the weak and innocent, for the crimes of the guilty in power. How! are we to take these infamous distinctions as reason; and are we to be always their dupes? They may with as great propriety affirm, that some obscene pieces are of mighty concern to the commonwealth, and that your city will be demolished, if it does not tolerate, if it does not print, if it does not permit the same works to be sold publickly, which are proscribed in the Author's country. How arrogant do they

make

make ye, O people! of Geneva! by ſo often uſing the interpoſition of the higher powers, to authorize the evil they know not, and which they would ſuffer to be acted in their name.

When I came into this country, it was reported, that the whole kingdom of France was at my heels. My books were burnt at Geneva; that was for making my complaint againſt France; they condemned me; France would have it ſo; they baniſhed me from the Canton of Berne, it was France demanded it; they purſued me quite to theſe Mountains; if I had been driven farther, it would ſtill be by France. Compelled by ſo many outrageous injuries, I wrote a letter of apology; I looked on myſelf as undone. I was ſurrounded by enemies, and my every motion watched. France employed ſpies to obſerve me, and ruffians to aſſaſſinate me; it was dangerous for me even to ſtir out of my houſe. All my perils proceeded from France; from the Parliament, the Clergy, and the Court itſelf. Never was a poor ſcribbler known to become a man of ſuch importance. Tired at laſt to death with theſe brutalities, I go to France; I very well knew the diſpoſition of the French; and I was unhappy. They receive me with open arms, they load me with careſſes, I meet with many civilities, and it was my own fault that I did not accept of more. I returned home with great tranquillity. The French blame my imprudence, but they ceaſe to threaten; they are in the right.

If any aſſaſſins ſhould deprive me of life, they will certainly never come from that country.

I do not confound, or miſtake the various cauſes from whence my misfortunes proceed. I very well perceive, and can diſtinguiſh between thoſe evils which are the effects of circumſtances, and ſad neceſſity, and thoſe which are entirely owing to the malice of my enemies. Would to God I had been no worſe treated at Geneva than in France, and that my countrymen had not been more implacable! Every body is now ſenſible from whence I have received the moſt deadly blows, and your people make a ſubject of reproach of thoſe very evils which have been the work of their own hands. What can be a more execrable calumny, than to object as a crime at Geneva, the perſecutions raiſed by themſelves againſt me in Switzerland? and to blame me for being allowed to ſettle no where, when they cauſed me to be driven out of every place? Ought I to accuſe that friendſhip, which firſt gave occaſion to my coming into this country, ſo near bordering on my own? I dare call to witneſs all the people of Europe, that, excepting the Swiſs, every other nation not only received me hoſpitably, but even with reſpect. Muſt I for ever complain of the place I choſe as a retreat? No: in deſpite of the moſt obſtinate perſecution, I have been rather a gainer: I have found a man, a noble and generous ſoul. O George Keith! my friend, my protector, my

my father! wherever you be, wherever I ſhall end my wretched days; and though I muſt never more ſee you; yet I ſhall not reproach Heaven with my misfortunes, ſince it is to them I am indebted for the happineſs of your friendſhip.

But is there really in conſcience no difference between books that are only interſperſed with ſome indiſcreet touches againſt religion, and thoſe in which we find the whole civil ſociety of mankind violently aſſaulted, by opinions abruptly and without the leaſt diſguiſe, obtruded on the underſtanding, and exerting the moſt pernicious influence!

In conſcience! ---- It becomes not ſuch a miſcreant as me, to ſpeak of conſcience ---- and before ſuch good Chriſtians ---- ſo I hold my tongue. ---- I think it, however, a very extraordinary kind of conſcience, which can make them tell the magiſtrates; We eaſily permit blaſphemy, but we cannot endure reaſoning! It is only allowing for the difference of the ſubject, and it will appear in the ſame light as the impious abſurdity of the Athenians, applauding the wretched doctrine of Ariſtophanes, and at the ſame time putting the good and wiſe Socrates to death.

There is one thing contributes much to give me confidence in my opinions, and that is, when I find the application of them always juſt in events the moſt unforeſeen. Such is the preſent caſe. One of the maxims derived from my analyſis of religion, and of what is eſſential to it, is, that we ſhould never meddle with other people's affairs, but when

when there is some point that concerns ourselves; whence it follows, that men ought not to punish one another for offences that relate only to Heaven, which knows very well how to avenge itself. The Remonstrants quote from Montesquieu, *We should reverence the Divinity, but never avenge his wrongs* *: they are in the right. Yet ridiculous and absurd opinions, gross impieties, and blasphemies against religion, are esteemed punishable by human tribunals; but reasoning never. Why so? Because in the first case religion is not only attacked, but all its professors, who are insulted and disturbed in

* You will observe, that I only make use of the word *wrongs*, in compliance with custom, though I am far from admitting it in its literal sense, which I think ill applied. As if any being, man, angel, or the devil himself, could offend or injure the Deity. That which we express by *offence*, or *wrong*, is translated in the same manner as almost the whole of the Sacred Text is, and that is saying enough. Men puffed up with their Theology, have translated and disfigured that admirable book, according to their own narrow ideas, and from hence they feed the folly and fanaticism of the people. I find great wisdom in the caution used by the Church of Rome, with regard to the translation of the Scriptures into the vulgar tongues, as it is unnecessary to offer to the common people the rapturous meditations of the Song of Solomon, or the continual curses given by David to his enemies: So the subtleties of St. Paul concerning Grace, and even the sublime morality of the Gospel, in terms not expressive of the author's meaning, are dangerous to be put into their hands; for in departing ever so little from the right road, they will go too far.

their

their worſhip. There is a rebellious contempt ſhewn of every thing reſpected as ſacred in religion, which conſequently includes the perſons who are its votaries. Such outrages as theſe fall certainly under the cognizance of law, as they affect mankind, who have a right of reſenting them. But who ought to be offended with reaſoning? Who is there that can be angry at being treated as a reaſonable creature? If the reaſoner deceives either himſelf or us, and you are of his opinion or of ours, ſhew him his error, undeceive us; fight him at his own proper weapons. If you do not chuſe the trouble, ſay nothing, hear nothing, let him reaſon or not reaſon, and all is over without noiſe, or without inſulting or quarrelling with any perſon whatſoever. But on what can the contrary maxim be founded, of ſuffering raillery, deſpiſing outrage, and at the ſame time puniſhing reaſon? There mine, I confeſs, is loſt.

Theſe gentlemen ſee M. Voltaire very frequently. I wonder he had not inſpired them with a little of that ſpirit of toleration he continually preaches, and which is ſometimes neceſſary for himſelf. If they had ever conſulted him on that occaſion, I believe he would have anſwered them in terms pretty much like theſe:

"It is not, gentlemen, thoſe who reaſon, "but your pretended devotees, that do this "miſchief. Philoſophy may go on, its own "road, without any inconvenience. The "people

" people understand nothing of it, or else
" let it say on, and philosophy returns all
" the disdain that is conceived against it.
" Reasoning is, of all follies, that which
" does the least injury to mankind, and we
" see wise persons sometimes infected with
" it. As to my part, I do not reason at all,
" but others do. Where is the harm? Look
" into such or such an author, you will find
" nothing in them but innocent pleasan-
" tries. As to myself, if I reason not, I do
" better. I make my readers reason. See
" my chapter on the Jews: See the same
" chapter farther explained, in the Sermon
" of the fifty. I believe there is reasoning
" in that, or something like it. You will
" also admit, that there is very little circum-
" locution, and a good deal more than indis-
" creet and slight touches.

" We have agreed that my great credit at
" court, and my assumed dignity, should
" serve to cover the jests and sports of my
" old age, and suffer them to rest in peace.
" Very well; but burn not graver writings,
" for that indeed would be extremely in-
" jurious.

" I have very much recommended Tolera-
" tion, that is true; but we should not al-
" ways exact it of others, while we never
" make use of it towards them. This poor man
" believes in God: What then? he will
" not form any sect. He is tedious; so are
" all reasoners. We shall not make him
" one of our company at any of our enter-
" tainments;

" tainments; that is all. What have we " farther to do with him? If all ſtupid books " were to be burnt, what would become of " the libraries? and if all tireſome people " were to be burnt, we muſt make a pile of " the whole country.

" Believe me, it is the beſt way to in- " dulge them in reaſoning, who take in good " part our pleaſantries. Let us burn neither " authors nor books. Let us live in peace; " that is what I adviſe."

This is what, in my opinion, M. de Voltaire would have ſaid, though in a much better manner; and, as I think, might not be the worſt advice he has given.

Let us compare theſe Works impartially, and let us judge of them by the impreſſion they have made on the world. With all my heart. *The one is printed and diſperſed all the world over; we know very well how the other has been received.*

Theſe words, *the one and the other*, are equivocal. I ſhall not ſay which of them the author lays at my door; but this I know, that mine are printed in all countries, tranſlated into all languages, and that there were two tranſlations of Emilius made at the ſame time in London; an honour never conferred before on any book, except Heloiſe; at leaſt as far as I know. I will moreover affirm, that I am reſpected in France, in England, in Germany; and even in Italy they love me, and would give me a good reception; and there is an univerſal cry of indignation againſt

againſt the Council of Geneva. This much I can ſay, with regard to the fate of my Works; I know nothing of what attended the writings of others.

It is time I had done. You ſee, Sir, that in this and the preceding Letter, I ſuppoſe myſelf to be guilty; but in the three firſt I proved my innocence. Now judge if a proceſs, which was unjuſt even againſt a delinquent, ought to have been made uſe of againſt the innocent.

Yet theſe gentlemen, being fully reſolved to let this procedure ſubſiſt, have haughtily declared, that the welfare of religion would not admit an acknowledgment of the injury, nor the honour of the government a reparation of the wrong. It would require a volume to ſet forth the conſequences of that maxim, which changes all the iniquitous practices of the miniſters of law into a decree of fate, and reveres them as ſuch. That is not the ſubject I am now upon; all I purpoſed in this place, was to enquire if any injuſtice had been committed, and not what reparation was neceſſary. Taking it for granted, we ſhall ſee by and by, what ſteps can be taken, according to your laws, as a remedy for their violation. In the mean time, what ſhall we think of thoſe inflexible Judges, who proceed as lightly in their determinations, as if they could have no conſequences, and yet maintain them as obſtinately, as if they had been the reſult of the matureſt conſideration.

Though

Though these points have had a long discussion, I imagined the object of them would have prevailed on your patience to go through them. I indeed think it should, as these discussions are as much an apology for your laws, as for myself. In a free country, where a rational religion was professed, the law that should pronounce a book like mine criminal, would be a dreadful one, indeed; and should be abrogated immediately, for the honour and emolument of the state. But thanks to Heaven, no such law exists amongst you, as I have now proved; and it were better owing to the corruption of the magistrate, than to the injustice of the laws. For the mistakes of men pass away, when the error of the law remains as long as themselves. The Decree, that banishes me for ever from my country, is so far from being the consequence of my faults, that I never discharged the duty of a citizen better than at the moment I ceased to be so; I even have merited the title, by the very act which obliged me to renounce it.

Recollect what happened a few years since, in the case of M. d'Alembert, on the subject of the article, Geneva. Far from pacifying the murmurs raised by that article, the writing published by the Pastors had only augmented them; and every one knows, that what I writ did them more service, than any thing that came from themselves on the occasion. The Protestant Party made no stir, tho' it ought to have exerted itself; and unfortunately,

fortunately, Government gives itſelf but little concern about ſuch things, as the diſputes of Theologiſts, deſigned to fall into the oblivion of even their authors, generally erect themſelves into conſequence, by the notice that is taken of them.

For my part, I always thought it was for the honour and good of the community to have a clergy animated by a ſpirit very rare in their order, which, without attaching itſelf too much to a doctrine merely ſpeculative, refers all to morality, and the proper diſcharge of the duties of the man and the citizen. I imagined, that without making their apology in direct terms, to juſtify the maxims I have ſuppoſed, and prevent the cenſure that might fall if thoſe maxims were adopted, would be an eſſential ſervice to the State, and by ſhewing that what they would neglect was neither certain nor uſeful, I hoped to reſtrain thoſe who might make it a crime; and that without ſo much as naming or pointing out any perſon, and without mentioning a word concerning orthodoxy; that it might ſerve as an example to other divines.

The attempt was bold, but not raſh, and muſt naturally have ſucceeded, but for circumſtances it was impoſſible to foreſee. I was not the only perſon of this way of thinking, but ſeveral of great underſtanding among the Magiſtrates were of my opinion. Conſider the ſtate of religion in Europe at the moment my book was publiſhed, and you will perceive

perceive that it was more than probable it would meet with a good reception. Religion, every where rendered leſs venerable by philoſophy, had almoſt loſt all its influence on the people. The churchmen, obſtinately propping it on their own weak ſide, had let all the reſt be undermined, and the whole edifice was ready to tumble down. Controverſy was at an end, becauſe nobody was intereſted in it; and peace was concluded between the different parties, becauſe none gave themſelves any trouble about their own ſide of the queſtion. To remove a rotten branch they had cut down the tree. Leaving the trunk was ſufficient to replant it.

What moment could be more deſirable for eſtabliſhing the general peace, than that wherein animoſities were ſuſpended, and left people at liberty to hear reaſon. How could a work diſpleaſe, which, without blaming or excluding any perſon, ſhewed that at bottom all were agreed; that ſo many diſſentions were raiſed, ſo much blood ſpilled, for points ill underſtood. That every body ſhould remain in his own way of worſhip, without troubling himſelf about that of others; that in all places God ought to be ſerved, our neighbour loved, the laws obeyed, and that was the eſſence of all ſound religion.

This was at once to eſtabliſh a philoſophick liberty, together with the piety of religion; this was to conciliate the love of order with allowing

allowing for the prejudices of others; this was to bring all parties into the common pale of humanity and reaſon. Far from the promoting quarrels, this was to cut the root of thoſe evils that ſtill ſprouted, and which riſe again when the zeal of fanaticiſm, which is only dropped aſleep, ſhall waken again. It was, in a word, to give every perſon the ſtrongeſt reaſons, in this age of indifference, to continue always what he is, without giving himſelf the trouble of knowing why.

How many evils, juſt ready to make their appearance, would have been prevented, if they had taken my advice? And what inconveniencies could have ariſen to countervail the advantage? None. I defy them to ſhew me one, either probable or poſſible, if it be not the exemption of innocent errors from puniſhment, and clipping the wings of perſecution. How comes it to paſs, that after ſad experience, and in ſo enlightened an age, Governments have not learned to caſt away and break that dreadful weapon, which can never be managed with ſuch addreſs, but it cuts the hand that makes uſe of it.

The Abbé de St. Pierre adviſed, that the Divinity Schools ſhould he ſuppreſſed, and that would beſt ſupport religion. What better method could be taken to arrive quietly at this two-fold object, which, properly viewed, is blended into one? Certainly the very part I acted was the moſt obvious way of leading to ſo deſirable an end.

One

One unfortunate circumſtance hindered the effect of all my good intentions, and brought all thoſe evils on my own head, from which I would deliver the whole human race. Will there ever ariſe another friend to truth, that my fate will not terrify? I cannot tell. I wiſh he may be wiſer than I; but if he has the ſame zeal, will he be more ſucceſsful? I doubt that. An opportunity once loſt never returns. I wiſh, with all my heart, the Parliament of Paris may not repent one day their putting that ſword into the hands of Superſtition, which I wreſted out of them and caſt to the ground.

But let us quit theſe diſtant times and places, and return to Geneva. It is there I would chooſe to bring you by my laſt obſervation, which is much in your own way of thinking, and muſt certainly ſtrike you. Caſt your eyes round, and obſerve all that paſſes. Who are my perſecutors? Who are they that take my part? Behold, among the Remonſtrators, the principal of your citizens. Has Geneva any more valuable? I ſhall ſay nothing of my perſecutors. God forbid, I ſhould ever ſully my pen or my cauſe with the virulence of ſatire; I quit, without regret, that weapon to my enemies: But reaſon, and judge for yourſelf. On what ſide lie morals, virtues, ſolid piety, and true patriotiſm! How! I have offended againſt the laws, and yet the law's moſt zealous defenders are my friends! I attack the Government, and the beſt

beſt citizens approve of me! I attack Religion, and yet I have on my ſide thoſe who beſt practice Religion! This obſervation alone is ſufficient; it points out my real crime, and the true cauſe of my diſgrace. They who hated, and have done me all manner of injuries, write my eulogium, even in ſpite of themſelves. The true cauſe of their hatred is evident, and ſpeaks itſelf. A Genevan can never miſtake it.

LETTER

LETTER THE SIXTH.

ONE more Letter, Sir, and you are quit of me. I find myſelf at the beginning of it, however, in a very whimſical ſituation; obliged to write, and hardly knowing how to diſcharge that obligation. Imagine to yourſelf a perſon under the neceſſity of juſtifying himſelf, in regard to a crime of which he is ignorant; and compelled to defend himſelf, without knowing of what he ſtands accuſed. Such is my caſe with regard to the affair of Government. I am not only accuſed, but condemned, and ſtigmatized for having publiſhed two works, *preſumptuous, ſcandalous, impious, tending to the ſubverſion of the Chriſtian Religion and of Government.*

As to Religion, we have had ſome clue to find out what was meant by it, and we have examined it. But as to Government, nothing can furniſh us with the leaſt traces. Every explanation upon this head hath been ſedulouſly avoided: it hath never been ſaid in what part of my works, how, or why, I have endeavoured to ſubvert Government; nor hath any thing been ſaid, which might ſerve to ſhew the imputation not to be merely

imaginary. It is just as if a man were to be arraigned for murder, without naming the person killed, the time when, or the place where; a murder in mere speculation. In the Inquisition, indeed, the accused is forced to divine what he is accused of; but he is not condemned without being told for what.

The author of the Letters from the Country carefully avoids an explanation also on the pretended delinquency: he sets out with joining Religion and Government in the same general accusation; but, entering on the subject of Religion alone, he declares his intention to confine himself to that only, and is accordingly as good as his word. How shall we be able to ascertain this accusation respecting Governments, if those who bring it, refuse to tell in what it consists.

Observe how artfully, by one stroke of the pen, this author varies the state of the question. The Council have determined that my books tend to the subversion of all kinds of Government. The author of the Letters says only, that Governments are therein exposed to the most audacious criticism. This is very different. A criticism, however audacious, may not be a conspiracy. To criticise, or censure, some particular laws, does not amount to the subversion of all laws. You might as well accuse a man of assassinating the sick, because he exposes the errors of the physicians.

Again, What answer can I make to arguments that are kept secret? How shall I justify

juſtify myſelf againſt a ſentence paſſed without evidence? If there be no proofs neither on one ſide nor the other, the gentlemen may alledge that I intend to ſubvert all Government; and I may ſay, on the other, that I do not: there is an exact parity in the allegation; except indeed that the publick prepoſſeſſion is againſt me: for it is to be preſumed that I muſt know my own intentions better than any body elſe.

But the parity fails in the effect of the aſſertion. On the ſtrength of theirs I am perſonally proſecuted; and what I aſſert, ſtands for nothing. If I prove, however, that the accuſation is falſe, and the ſentence given againſt me iniquitous, the reproaches they have made me, return, of courſe, on themſelves. The decree, the executioner, all ought to be retorted on them; as none lay the axe ſo near to the root of government, as thoſe who make an uſe of it directly contrary to the purpoſes of its inſtitution.

It is not ſufficient that I affirm; it is neceſſary for me to prove. And here we may ſee how deplorable is the ſituation of an individual, ſubject to unjuſt magiſtrates, when they have nothing to fear from the Sovereign, and they ſet themſelves above the laws. Of a ſimple affirmation, without proof, they make a demonſtration, and thus innocence is oppreſſed. Add to this, that they make a new crime of his defence, and it is not their fault that he is not puniſhed again for having proved himſelf innocent.

What means can I take to ſhew that they have not ſpoken the truth? To prove that I have not endeavoured to ſubvert government? If I defend any particular part of my writings, they may ſay it is not that part which they condemn, although they have condemned them all without diſtinction, good and bad. To leave them no ſubterfuge, therefore, it would be neceſſary to recapitulate the whole, and examine them from beginning to end; book by book, page by page, line by line, and, in a manner, word by word. It would beſides be neceſſary to enquire into the nature of all the governments in the world; as they affirm that I mean to ſubvert them all. What an undertaking! How many years of my life would it not coſt me! How many folios muſt I not write; and after all who will give themſelves the trouble to read them?

Require of me only what is practicable. Every ſenſible perſon, I think, ought to be contented with what I have to ſay to you; and you ſurely will not deſire more.

Of the two books of mine which were burnt together, under the ordinary imputations, there is but one which treats of political law and matters of government. If theſe ſubjects are mentioned in the other, it is only by way of extract from the former. Hence I ſuppoſe that the accuſation muſt fall ſolely on that. Again, if it had fallen on any particular paſſage, it had undoubtedly been cited. Some maxim or other would certainly have been extracted, either faithfully or unfaithfully,

fully, as hath been done with regard to the points reſpecting religion.

It muſt, therefore, be the ſyſtem eſtabliſhed throughout the body of the work, which is ſubverſive of all governments. Nothing more then is required, than to explain this ſyſtem, or to make an analyſis of my book: and if we do not in that ſee evidently the deſtructive principles in queſtion, we may know at leaſt where to look for them in the work, by purſuing the method of the Author. But, if in this analyſis, which will be but ſhort, any ſtriking conſequence ſhould ſuggeſt itſelf, pray, be not impatient. Wait till we have reaſoned a little together, and then you may, if you pleaſe, return to them.

In what does the unity of the ſtate conſiſt? In the union of its members. And whence ariſes this union of its members? From the mutual obligations which unite them; ſo far then we are agreed.

But what is the baſis of this obligation? Here authors are divided. According to ſome, it is force; according to others, paternal authority; and again, according to others, the will of God. Each party maintains its own principle, and controverts thoſe of the others. I myſelf have done the ſame; and, adopting the moſt ſalutary ſentiments of thoſe who have diſcuſſed theſe ſubjects, have laid down the convention of its members, as the foundation of the body politick, and have refuted the contrary opinions. This principle, independent of its truth, is preferable to all

others for the solidity of the basis it lays down: for what more certain foundation can be devised for any obligation among men than the voluntary engagement of those who are bound? Every other principle will admit of some dispute *; but this will admit of none.

By this condition of liberty, which includes others, all kinds of engagements are not valid, even before human tribunals. Thus, in order to determine the validity of this, we ought to explain the nature of it, we ought to discover its use and end; to prove its convenience to mankind, and that it contains nothing contrary to the principles of natural law. For nations are no more permitted to infringe the laws of nature by the social compact, than individuals are permitted to infringe the positive laws of the state by their private contracts; and it is by virtue of these laws only that the very liberty exists which gives force to the engagement.

The result of this examination is, that the establishment of the social compact is an engagement of a singular species, in which every individual severally engages himself to all the rest; whence follows a reciprocal engagement of all towards each individual; which is the immediate object of the union.

* Not excepting that, of its being the will of God, at least so far as regards the application of that principle. For though it be very certain that the will of man ought to be conformable to the will of God; it is not clear that God prefers one kind of government to another, nor that he requires men to pay obedience to James rather than to William.

I say

I say this engagement is of a singular kind, in that being absolute, without condition or reserve, it can neither be unjust nor susceptible of abuse; as it is impossible that the political body can desire to hurt itself, so long as the whole act only with regard to the whole.

It is farther of a singular species, in that it binds the contracting parties without reducing any one to a state of subjection; and in that, by laying down their own will as their rule, they remain as much at liberty as before.

The will of All then becomes the order, the supreme rule; and this rule, being general and personified, is what is called the Sovereign.

It follows hence, that the Sovereignty is indivisible, unalienable, and that it is essentially invested in all the members of the body.

But how does this abstract and collective Being act? It acts by the laws, and cannot act otherwise.

And what is a law? It is a publick and solemn declaration of the general will, with regard to some object of common concern.

I say, on some object of common concern; because the law would lose its force, and would cease to be just, if the object of it did not relate to the whole community.

The law cannot, by its nature, have any particular and individual object; although the application of the law falls, of course, upon particular and individual objects.

The Legiſlative power, therefore, which is the Sovereign, ſtands in need of another power to execute, that is, reduces the law into particular acts. This ſecond power ought to be eſtabliſhed in ſuch a manner as always to execute the law, and never to execute any thing but the law. Hence ariſes the inſtitution of Government.

What is Government? It is an intermediate body, eſtabliſhed betwen the ſubjects and the Sovereign, for their mutual correſpondence, and charged with the execution of the laws, and the preſervation of liberty as well civil as political.

The Government, conſidered as a conſtituent part of the body politick, partakes of the general will, which it ſerves to conſtitute. As a particular body, it has alſo a will of its own. Theſe two wills ſometimes concur and ſometimes differ. It is from the combined effect of this concurrence, and this difference, that reſults the whole play of the political machine.

The principle which conſtitutes the different forms of Government, conſiſts in the number of members compoſing it. The leſs the number of theſe members, the greater is the force of the Government; and the greater the number of its members, the more feeble is the Government. And as the Sovereignty tends always to a loſs of ſtrength, the Government tends always to gain it. Thus the executive body ought naturally, in time, to prevail over the legiſlative, and when

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the law is at length subjected to the will of men, they become of course nothing but slaves and masters; and the state is ruined.

Before this ruin comes on, the Government ought, by the same natural progress, to change its form, and to pass by degrees from the greater number to the less.

The different forms of which Government is susceptible, may be reduced principally to three. After having compared these three together, as well with regard to their advantages as inconveniencies, I give the preference to that which is in the mean between both extremes, and bears the name of an Aristocracy.

It ought here to be observed, that the constitution of the State, and that of Government, are two things very distinct, and that I have by no means confounded them.

The best of Governments is the aristocratical; the worst of Sovereignties is the aristocratical.

These discussions lead to others, relative to the manner in which they degenerate, and on the means of retarding the destruction of the body politick.

To conclude; in the last book I examine, by way of a comparison with the best Government that ever existed, viz. that of Rome, the police which is the most favourable to the good constitution of the State. After this, I close the book, and the whole work, by some enquiries into the manner in which Religion may and ought to enter, as a con-

ſtituent part, into the compoſition of the body politick.

What think you, Sir, in reading this ſhort but faithful analyſis of my book? I can eaſily gueſs. You ſay within yourſelf, This is the hiſtory of the Government of Geneva. The ſame hath been ſaid on a peruſal of that work by all who have been acquainted with the nature of your conſtitution.

And in fact, this primitive compact, this eſſence of Sovereignty, this empire of the Laws, this inſtitution of Government, this manner of confining it in various degrees, in order to ſupply the want of authority by force, this tendency to uſurpation, theſe periodical aſſemblies, this addreſs to get rid of them, in a word, this approaching deſtruction, which threatens you, and which I would have prevented; are not all theſe ſtriking features of your Republick; forming a perfect picture of it from its birth to the preſent time?

I have taken your own conſtitution, therefore, which I thought a fine one, for the model of political inſtitutions, and by propoſing it as an example to the reſt of Europe, was ſo far from endeavouring to ſubvert it, that I pointed out the very means of preſerving it. Even this conſtitution, good as it is, is not without its defects; the alterations it hath ſuffered might be corrected indeed, to preſerve it from the danger it is in at preſent. I foreſaw this danger; I foretold it, and pointed out the preſervatives. Was it endeavouring to ſubvert a Government,

to

to point out the means of its preſervation? My attachment to your conſtitution made me deſirous that nothing ſhould alter it. This is my whole crime. I have, perhaps, been wrong. But if a love for my country hath blinded me, as to this particular, ought I to be puniſhed for it?

How could I mean to ſubvert all kind of Governments, in laying down as principles all thoſe of yours? The fact alone deſtroys the force of the accuſation; for as a government really exiſted on ſuch a model, I could not intend, by ſuch means, to deſtroy all thoſe which exiſted. No, Sir, if I have deſcribed only an ideal ſyſtem, you may be certain nothing would have been ſaid about it. My adverſaries would have contented themſelves with adding the Social Compact to the Republick of Plato, Utopia, and the Severambes in the world of Chimeras. But I deſcribed an object really exiſting, and they were deſirous the face of this object ſhould be changed. My book bears witneſs againſt the attempt they were going to make; and this they will never forgive me.

One thing, however, will appear to you very odd; and this is, that it is ſaid to attack all other Governments; and yet it is prohibited in none of them. It deſcribes only one, and propoſes it as an example to others; and under this, behold, it is burnt! Is it not ſomething very ſingular, that the Governments attacked ſhould be ſilent, and that the Government recommended ſhould take of-

fence? What! doth the Magiſtracy of Geneva ſtand up as protectors of other Governments againſt their own? Do they puniſh one of their citizens for having preferred the laws of his own country to thoſe of other nations? Is this conceivable, and would you have believed it if you had not ſeen it? Hath the work been ſtigmatized in any other part of Europe? No, not even in the country where it was printed *. Not even in France, where the Magiſtrates have been ſo ſevere on this ſubject. Have they prohibited my book? Nothing like it. They did not permit, at firſt, indeed, the entry of the Dutch edition, but they ſoon after printed another in France, where the Work is current without difficulty. The firſt reſtriction appears, therefore, to have been merely an affair of commerce, and not of policy: the profit of the French bookſeller was very reaſonably to be preferred to that of a foreigner. This was all.

The Social Compact has been burnt no where but at Geneva, where it was not printed. The Magiſtrates of Geneva only found in it principles deſtructive of all Governments. It is true, indeed, they have not ſpecified what thoſe principles are; and in this they have, no doubt, acted very *prudentially*.

* In the heat of the clamours firſt raiſed by the proceedings at Paris and Geneva, the Magiſtrates in Holland prohibited theſe two books; but after a proper examination, they changed their ſentiments, particularly with regard to the Social Compact.

The

The effect of ſuch indiſcreet prohibitions is to have them never obſerved, and thus to weaken the force of their authority. My book is in the hands of every body at Geneva. Oh that the contents of it were as much in their hearts! Peruſe, Sir, this book, ſo much exclaimed againſt, though ſo neceſſary to be read. You will there ſee the laws always ſet above men. You will there ſee liberty conſtantly maintained, but always under the authority of the laws, without which liberty cannot exiſt, and under which men are always free, after what mode ſoever they are governed. It may be ſaid, that by this I do not pay my court to Sovereigns; ſo much the worſe for them; for I ſtudy their true intereſts, if they knew how to ſee and adopt them. But men are blinded by their paſſions to their own good. Thoſe who ſubject the laws to human paſſions, are the real enemies to Governments: theſe are the people who ought to be puniſhed.

The fundamental principles of the State are the ſame in all Governments; and theſe principles are better laid down in my book than in any other. And when afterwards I proceed to compare the different forms of Government, the advantages and inconveniencies of each cannot fail of being ſeparately eſtimated. This is what I conceive alſo I have done with impartiality. Every thing conſidered, I have given the preference to the Government of my own country. This was natural and reaſonable; and I ſhould have been

been blamed if I had not done it. But then I have not done it, to the excluſion of all other Governments. On the contrary, that every one has its peculiar reaſons, which may render itſelf preferable to every other, according to time, place, and circumſtances of the people. Thus ſo far am I from ſtriving to ſubvert all Governments, that I have endeavoured to eſtabliſh them all.

In ſpeaking of monarchical Governments in particular, I have illuſtrated its advantages, and have as little concealed its defects. This I think to be the privilege of every man who reaſons; and though I had even condemned this ſpecies of Government, does it follow that I ſhould be puniſhed for it at Geneva? Was Hobbes perſecuted in any Monarchy, becauſe his principles are deſtructive to a republican form of Government: or do Kings proceed againſt authors, who reject and depreſs Republicks? Is not the right reciprocal, and are not the Republicans as much Sovereigns in their own country, as Kings are in theirs. For my own part, I have rejected no Form of Government, nor have contemned any. In examining and comparing them I held the ballance impartially, and counted the weights: nothing more.

Reaſon ought never to be puniſhed, nor even argument; ſuch puniſhment proves too much againſt thoſe who inflict it. My Remonſtrants have very clearly ſhewn, that as my book, in which I never depart from general propoſitions, did not attack the Govern-

ment

ment of Geneva, and was printed out of its territory; it ought to be considered only as a tract on natural and political law, over which the laws give the Council no manner of power; but which are publickly sold throughout the city, whatever principles be advanced, or whatever opinions be maintained in them. I am not the only person, who, in treating abstractedly of political questions, hath treated them with boldness and freedom. Every one, it is true, does it not; but every one hath a right to do it; many make use of this right, and I am the only person who is punished for it. The unfortunate Sydney thought as I do; but then he acted also. It was for his conduct, not for his writings, that he had the honour to be brought to the scaffold. Althusius in Germany created himself many enemies; but he never suffered a criminal prosecution. Locke, Montesquieu, the Abbe de St. Pierre, have all treated the same subjects, and often with the same freedom. Locke, in particular, hath treated them on the same principles as I have done. All three were born under Kings, have lived in peace, and died honoured by their country. You know how I have been treated in mine.

Be assured, however, that so far from blushing at being thus stigmatized, I glory in it, as it serves only to prove the motive that hath occasioned it; which motive is only the having deserved well of my country. The behaviour of the Council towards me, indeed, afflicts me, as it breaks those connections which I ever

ever held dear. But can this disgrace me? No. It does me honour; it raises me to the rank of those who have suffered for liberty. My books, whatever may be done with them, will always bear testimony for themselves; and the treatment they have received, will only save those from disgrace, which may have the honour to be burnt after them.

The END *of the* FIRST PART.

LETTERS

WRITTEN FROM

THE MOUNTAINS.

PART THE SECOND.

LETTER THE SEVENTH.

YOU muſt have found me, Sir, ſomewhat diffuſe; but it was neceſſary to be ſo: the ſubjects I had to treat of, were not to be diſcuſſed in epigrams. Beſides, theſe ſubjects did not lead me ſo far, as they ſeemed to do, from that which intereſts yourſelf. In ſpeaking of myſelf, I thought of you; and your queſtion was ſo dependent on mine, that one is already reſolved with the other; nothing remaining but to draw the conſequence of the argument. Where innocence is not ſecure, nothing can be ſo; whereſoever the laws are violated with impunity, liberty no longer exiſts.

As

As the intereſt of an individual, however, may be ſeparated from that of the publick, your ideas on this head are ſtill uncertain; you perſiſt in deſiring my aſſiſtance to fix them. You aſk what is the preſent ſituation of your Republick, and what its citizens ought to do? It is much eaſier to anſwer the firſt queſtion than the laſt.

This queſtion nevertheleſs is leſs perplexing in itſelf, than it is rendered by the contradictory ſolutions, which are given to it, round about you. You hear perſons of very good ſenſe ſay, we are the moſt free of any people upon earth; while others equally ſenſible ſay, we live under the yoke of the ſevereſt ſlavery. Do you aſk me, which is in the right? Both, Sir, but in a different ſenſe. A very ſimple diſtinction will reconcile them. Nothing is more free than your ſtate by its conſtitution ſhould be, and nothing more ſlaviſh than your ſtate actually is.

Your laws have no authority but what depends on yourſelves: you acknowledge only thoſe of your own making; you pay no taxes but of your own impoſing; you make choice of your own chiefs, who have no right to govern but according to forms preſcribed by yourſelves. In general Council, you are Legiſlators and Sovereigns, independent of any power upon earth; you ratify treaties, and determine peace or war. Your own Magiſtrates themſelves addreſs you as their *Magnificent*, *moſt honoured*, *and ſovereign Lords*. Such is your liberty. Now for your ſlavery.

The

The political body, charged with the execution of your laws, is the interpreter and ſupreme arbiter of them; making them ſpeak juſt as it pleaſes; or making them ſilent likewiſe at pleaſure. This body may even violate them, without your being able to help yourſelves; being itſelf above the laws.

The Chiefs, you make choice of, have, independent of that choice, other powers which do not depend on you, and which they extend at the expence of thoſe who depend on them. Confined in your elections to a ſmall number of voters, all of the ſame principles, and actuated with the ſame motives of intereſt, you make a great parade of an election of very little importance. It would be of great conſequence to you in this affair to be able to reject every one of thoſe, from whoſe number you are compelled to chuſe. Amidſt all the appearance of a free election, you are ſo reſtrained on every ſide, that you cannot chuſe a firſt Syndic, nor a Syndic of the guard. Neither the Chief of the Republick nor the Commandant of the place are objects of your choice.

If none have a right to impoſe on you new taxes, you have as little right to throw off the old. The finances of the State are upon ſuch a footing, that they are ſufficient to anſwer all purpoſes of government without your concurrence. The Adminiſtration have no occaſion, therefore, to make any ſubmiſſion to you with that view; while all your privileges in this reſpect, are to be exempted in part, and to be never neceſſary.

The

The proceedings of the law are regularly prescribed; but when the Council will not follow the legal method, no body can compel them, nor oblige them to repair the irregularities they may commit. Of this I am unhappily a proof, and you know that I am not the only one.

In general Council your Sovereignty is limited; you cannot act but when your Magistrates please, nor speak but when they interrogate you. If they have no mind even to assemble the general Council, your authority, your existence, is annihilated, without your being able to oppose any thing but fruitless murmurings, which they are in a condition to despise.

In short, though you are sovereign Lords when assembled, you are afterwards nothing. Subordinate Sovereigns four hours a year, you are subjects the rest of your lives, and given up, without reserve, to the discretion of others.

It hath happened to you, Gentlemen, as it hath happened to all Governments like yours. The legislative and executive powers, which constitute the Sovereignty, were not at first distinct. The people, being sovereign, had a will of their own, and by their own act executed that will. But the inconvenience of the general concurrence of all to every thing, presently obliged the people to make choice of particular members to execute their will. These officers, after having fulfilled their commission, gave up their account, and reassumed their former equality. By degrees,

these

theſe commiſſions became frequent, and at length permanent. Thus a body was inſenſibly formed, whoſe action was conſtant. A body whoſe action is permanent and conſtant, cannot give an account of each ſingle act: it accounts only for the principal; and preſently arrives at ſuch a pitch, as to account for none at all. The more active the executive power is, the more it enervates the legiſlative power. The will of yeſterday is ſuppoſed to be that of to-day; but the act of yeſterday does by no means diſpenſe with that of to-day. In fine, the inaction of the power that deſigns, ſubjects it to the power which executes; the latter rendering its actions by degrees independent, and preſently its will: thus inſtead of acting for the legiſlative power, it acts for itſelf. After this there remains in the ſtate only one acting power, which is the executive. Now the executive power is nothing but force; and where force only prevails the State is diſſolved. This, Sir, is at length the final diſſolution of all democratical States.

Caſt an eye over the annals of yours, from the time in which your Syndics, then only ſimple attorneys, eſtabliſhed by the community to execute any particular affair, ſubmiſſively gave an account of their Commiſſion, and became directly mere individuals again; to the time when theſe very Syndics, diſdaining the prerogatives of Chiefs and Judges, which they enjoyed by virtue of their election, preferred the arbitrary power of a body, the members of which are not choſen by the commu-

community, but which ſets itſelf above that community in defiance of the laws. Trace the progreſs of the circumſtances that ſeparated thoſe two terms, and you will find at what point you now are, and by what degrees you are arrived at it.

A clear-ſighted politician might have foretold above two centuries ago what hath happened to you. He might have then ſaid, the inſtitution you are forming is good for the preſent, but bad for the future. It is proper for the firſt eſtabliſhment of publick liberty, but improper for its preſervation; as that which at preſent conſtitutes your ſecurity, will in a little time afford ſubſtance for forging your chains. Thoſe three bodies, which are ſo intimately connected together that the activity of the greateſt depends even on the leaſt, will remain in equilibrium ſo long as the action of the greateſt is neceſſary, and the legiſlation cannot diſpenſe with the legiſlator. But when once the eſtabliſhment is made, if the body which hath formed it want the power to maintain it, it muſt neceſſarily fall to ruin; ſo that your very laws will be the cauſe of your deſtruction.

This is preciſely what hath really happened to you. It is, excepting the diſproportion, the fall of the Poliſh Government, by a contrary exceſs. The conſtitution of the Republick of Poland is proper only for a Government that hath nothing to do. Yours is, on the contrary, proper only ſo long as the legiſlative body continues to act.

Your

Your magiſtrates have inceſſantly endeavoured to refer the ſupreme power of the Council general to the petty Council, by the grandation of the Two-hundred. But their efforts have had different effects according to the manner in which they have been exerted. Almoſt all their publick enterprizes of this kind have failed; becauſe in ſuch caſes they have always met with reſiſtance, and becauſe, in ſuch a State as yours, the publick reſiſtance of is always ſure of carrying its point, when it is ſupported by the laws.

The reaſon of this is evident. In every State, it is either the law which commands or the Sovereign. Now in a Democracy where the people are ſovereign, whenever inteſtine diviſions have ſuſpended all forms and ſilenced all authorities, that of the people alone remains; and wherever there is the majority there reſide both law and authority.

If the citizens and inhabitants united are not the Sovereign, the Councils without them are ſtill much leſs ſo; as the latter make but the ſmaller number in point of quantity. When the ſupreme authority itſelf is called in queſtion, every thing at Geneva is reſtored to its primitive equality, acccording to the terms of the Edict; which ſays, that *every one ſhall be content with the degree of citizen and burgher, without deſiring to promote himſelf, or to aſſume to himſelf any authority or command over others.* Out of the Council-general there is no other Sovereign than the law; but when the law itſelf is attacked by its miniſters, it belongs

belongs to the Legiſlature to ſupport it. Hence it is, that wherever real liberty exiſts, the people have almoſt always the advantage in any diſtinguiſhed enterprize.

But it is not by ſuch enterprizes that your Magiſtrates have brought things to the point at which they are now arrived. It hath been by means more ſlow and ſure, by moderate and repeated efforts, by alterations almoſt inſenſible; of which you could not foreſee the conſequence, and which, indeed, you could hardly perceive. It is impoſſible for a people to be inceſſantly on their guard againſt every thing that may be attempted; while even their vigilance is made a ſubject of reproach to them. They are accuſed of being reſtleſs and turbulent, and of being always alarmed about nothing. But of theſe nothings, about which the publick are ſo ſilent, the Council knows how, in time, to make ſomething. Of this, what is now actually paſſing before your eyes, is a ſufficient proof.

The whole authority of the Republick reſides in the Syndics, which are elected in the general Council. They there take the oath, becauſe it is before their ſuperior; and they take it in this Council only, becauſe it is to this alone it is reſponſible for its conduct, and for its fidelity in the due diſcharge of the oath they take. They ſwear to do juſtice faithfully and uprightly. They are the only Magiſtrates who thus ſwear in this Aſſembly; becauſe they are the only Magiſtrates on whom that right is conferred by the Sovereign,

reign *, and who exercise it under its authority.

In the publick trial of criminals, they swear also in the presence of the people, by rising up †, and raising their wands, *that they have passed an upright sentence, without favour or affection; calling upon God to punish them if they have done the contrary.* And formerly the sentence in criminal causes was passed and executed only in the name of the people, without mention being made of any other Council than that of the Citizens; as may be seen by the sentence of Morelli above transcribed; and by that of Valentine Gentil, mentioned in the *Opuscula* of Calvin.

Now, you must plainly perceive, that this exclusive power, received thus immediately from the people, greatly restrains the pretensions of the Council. It is natural for it, therefore, in order to shake off such dependence, to endeavour, by degrees, to weaken the authority of the Syndics,

* It is not conferred on their Lieutenant but by deputation; for which reason he takes no oath in the general Council. *But*, the Author of the Letters asks, *if the oath taken by the members of the Council is less obligatory? or if the execution of engagements made with the Deity itself, depends on the place in which they are contracted?* No, certainly; but does it thence follow, that it is a matter of indifference in what place, and by whose hands the oath is presented? and does not the choice of these determine either by what authority it is imposed, or to whom an account is to be rendered of its being duly observed? With what kind of politicians have we to do, that they must be put in mind of circumstances so obvious? Are they really ignorant of them, or do they only pretend it?

† The Council is present also, but its members do not swear, but remain seated.

to invest the Council with the jurisdiction they have received, and insensibly to transmit to this permanent body, whose members are not elected by the people, the great but transitory power of the Magistrates, which they do elect. The Syndics themselves also, so far from opposing this change, will naturally be led to favour it; because they are Syndics only every four years, and even may not happen to be so at all; whereas, whatever happen, they are members of the Council for life, the *Grabeau* being only a matter of mere form *.

* According to the first institution, the four Syndics newly elected and the four ancient Syndics, rejected annually eight members of the remaining sixteen of the petty Council, and proposed eight new ones, which were referred to the suffrages of the Two hundred, in order to be admitted or rejected. By insensible degrees, however, none of the old Council were rejected but such as had given occasion for censure; and when they had committed any great fault, their punishment was not remitted to the time of election, but they were immediately thrown into prison, and prosecuted like the meanest individual. By this method of anticipating their punishment and rendering it severe, the remaining members, being irreproachable, afforded no cause of exclusion; and this changed the custom into that vain and ceremonious formality which now goes by the appellation of *Grabeau*. An admirable effect this of free governments, by which even usurpations themselves cannot be established but on the basis of virtue!

Add to this, that the reciprocal privileges of both Councils will alone prevent either from making use of them, except in concert with each other, for fear of reprisals. The *Grabeau*, therefore, properly speaking, serves only to keep them united against the citizens.

This

This point being gained, the election of Syndics would become, in like manner, a ceremony as idle as that of holding General Councils: and the petty Council would behold very peaceably the exclusions or preferences which the people might give to its members for the Syndicate; when all that would in fact determine nothing.

In order to arrive at this end, however, an important step must at first be taken, of which the people are ignorant. This is, the disposing of the interior police of the Council; which, however regulated by the edicts, may be modeled as its members think proper *; there being no other power in the State to hinder it: for as to the Attorney-general, he is to be looked upon in this case as nothing †. But this is not quite enough; the people must be even accustomed to this transfer of jurisdiction. To this purpose, tribunals, composed solely of Counsellors, must not be erected at first, to judge of important objects; but to determine matters less remarkable, and little interesting. At these tribunals commonly presides a Syndic, in whose place is sub-

* Thus in the year 1665, the petty Council, and the Two hundred established in their corps the ballot and billets, contrary to the edict.

† The Attorney-general, instituted to be on the side of the law, is only on the side of the Council. Two causes almost always operate to the discharge of this function, contrary to the spirit of its institution. One is a fault in the institution itself, which entitles that officer to rise to the Council; whereas an Attorney-general ought never to have any thing in view above his present place, nor be permitted by the law to aspire to any other. The second cause is the imprudence of the people, who confer that office on persons too intimately connected by family interest, or other-

ſtituted ſometimes an ancient Syndic, then a Counſellor, without any body's taking notice of it. This piece of management is repeated, till it becomes a cuſtom, and then made uſe of in criminal caſes. On occaſions of greater importance, a Court is formed for the trial of citizens. At this tribunal preſides a Counſellor, under favour of the law of exceptions. The people's eyes are opened, and they complain; on which they are aſked, where is the cauſe of their complaint? The precedents are numerous; this is no innovation.

Such, Sir, are the politicks of your Magiſtrates. They introduce their innovations by ſlow degrees, without any body's foreſeeing the conſequence; and when they are at length perceived, and the people are deſirous to remedy them, they themſelves cry out againſt innovations.

But without departing from this example, let us hear what they have ſaid on this occaſion. They pleaded the law of exceptions: It was anſwered, "That the fundamental law of the State required the citizens to be judged only by the Syndics. In the concurrence of the two laws, the latter ſhould certainly exclude the former;

wiſe, with the members of the Council; without conſidering that they thus fail not to employ againſt themſelves the arms deſtined to their defence.

I have heard ſome Genevans diſtinguiſh between being on the ſide of the people and being on the ſide of the law, as if they were not one and the ſame thing. The Attornies-general ought, during their ſix years, to be the chiefs of the citizens, and after that to become their Counſellors. But are they not at preſent well protected and counſelled? Ought we not to congratulate them on the peculiar felicity of their choice?

mer; or, if we ſhould ſtand upon the obſervation of both, a Syndic ought to be elected *ad actum.*" At this word all was undone! "A Syndic *ad actum!* What an innovation!" For my part, however, I ſee no ſuch novelty in it as they pretend. If they object to the word, it is made uſe of annually in our elections: if to the thing, it is ſtill leſs new; the very firſt Syndics the city ever had, were Syndics *ad actum.* When the Attorney-general himſelf is exceptionable, and is challenged, is not another made *ad actum*, to execute his functions? And what are the Adjuncts, taken from the Two-hundred to aſſiſt at the Tribunals, but Counſellors *ad actum?* When a new abuſe is introduced, it is no innovation to propoſe a new remedy for it. On the contrary, it is endeavouring to eſtabliſh things on their ancient footing. But theſe Gentlemen do not like that we ſhould thus rake into the antiquities of their city. It is only in thoſe of Rome and Carthage that they are willing you ſhould ſeek an explication of their laws.

I ſhall not undertake to draw a parallel between their enterprizes which have ſucceeded, and thoſe which have failed. Suppoſing their number equal, there hath been no proportion between the ſum total of their effects. By every ſucceſsful enterprize they have gained ſtrength; and by every one that failed they have loſt only time: whereas you, who ſeek only, and ought to ſeek only, to preſerve your conſtitution, when you loſe, your loſs is real, and when you gain, you gain nothing. In running a career of this kind, how is it poſſible you can remain at the ſame point of diſtance?

Of all the æras which the inſtructive hiſtory of your Government preſents to contemplation, the moſt remarkable in its cauſe, and moſt important in its effect, is that which produced the Mediation. What firſt gave riſe to the deſtination of that æra, was an indiſcreet and untimely enterprize of your Magiſtrates. Before they had ſufficiently grounded their own power, they wanted to uſurp the right of impoſing taxes. Inſtead of reſerving this for the laſt ſtroke, their avidity induced them to anticipate it, and that juſt after a commotion, which was not entirely appeaſed. This error led them into others much greater, and more difficult to repair. It is amazing how ſuch ſubtile politicians came to be ignorant of a maxim, ſo ſimple as that to which they ran retrograde on this occaſion. The people of every country never think you attack their liberty ſo violently as when you attack their purſe; which is never done by artful uſurpers till they have carried every other point firſt. They wanted to reverſe that order, and found themſelves miſtaken *. The conſequences of this affair produced the emotions in 1734, and the horrid conſpiracy which was the conſequence.

* The object of the taxes impoſed in 1716, was the expence of the new fortifications. The plan of them was immenſe, and it has been in part executed. Such extenſive fortifications rendered a numerous garriſon neceſſary, and the deſign of this numerous garriſon was to keep the citizens and burghers in ſubjection.

So that the magiſtrates intended to put the citizens to the expence of the chains they were forging for them. The project was well formed, but as it proceeded in a retrograde order, it did not ſucceed.

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This was a second fault, worse than the first. All the advantages of time were in their favour; these they deprived themselves of, by the precipitancy of their designs, and put the machine in a state to rise up again to its origin at once. This is what must have happened in that affair. The events which preceded the Mediation, occasioned them to lose a whole century, and produced another effect unfavourable for them. This was, the informing all Europe, that the citizens, whose privileges they wanted to destroy, and whom they described as a licentious populace, were capable of preserving, amidst their advantages, that moderation, which they themselves were incapable of in the midst of theirs.

I will not say, that the recourse had to the Mediation, ought to be accounted as a third fault. The Mediation was, or appeared at least to be, offered them. Whether this offer was voluntary, or sollicited, is what I neither can, nor am desirous of coming to the knowledge of: I only know, that every body was silent when you ran the greatest danger, and that this silence was not broken till the danger was on the other side. Add to this, that I should be so much the more loth to impute to your magistrates the having implored the Mediation, as it is in their eyes one of the greatest crimes even to mention it.

A certain citizen, complaining once of an illegal, unjust, and dishonourable imprisonment, desired to know in what manner he might have recourse to the Guaranty. The magistrate to whom this message was addressed, was daring enough to reply, that the proposition alone was deserving of death. Now in the presence of the

Sovereign the crime was as great, and perhaps greater, in the Council, than in a ſimple individual; and I do not ſee how a perſon could be worthy of death for a ſecond recourſe, rendered lawful by the Guaranty, which was the effect of the firſt.

One thing more: I do not undertake to diſcuſs a queſtion ſo delicate to treat, and ſo difficult to reſolve. I undertake merely to examine, with regard to the object before us, the ſtate of your government, formerly adjuſted by the regulation of the plenipotentiaries, but at preſent changed by the new enterprizes of your magiſtrates. I am obliged to take a wide circuit in order to come to the point; but if you will take the trouble to follow me, we ſhall ſoon find whereabouts we are.

I have not the temerity to think of criticizing this regulation; on the contrary, I admire its wiſdom and reſpect its impartiality. I think I can diſcover in it the moſt upright intentions, and the moſt judicious diſpoſitions. When we reflect how much circumſtances were againſt you in that critical moment, what prejudices you had to conquer, what credit to ſurmount, what falſhoods to invalidate; when we recollect with what confidence your adverſaries reckoned upon being able to cruſh you by the aſſiſtance of others; we cannot fail of doing honour to the zeal, conſtancy, and abilities of your defenders; to the equity of the mediating powers; and the integrity of the plenipotentiaries who completed that peaceful work.

Whatever may be ſaid of it, the Edict of the Mediation was the ſalvation of the Republick;

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and so long as it is not infringed it will be its preservation. If that good work was not in itself perfect, it was relatively so: it was with regard to time, place, and circumstances the best that could be for us. You ought to hold it, therefore, sacred and inviolable, in point of prudence, if not in point of necessity; and you ought not to blot out a line of it, even if it were in your power to annihilate it. Besides, the very reason for its being at all necessary, renders it all, and altogether so. As all its articles form an equilibrium, the alteration of a single article destroys the whole. The more useful this regulation is, the more hurtful would it be, if mutilated. Nothing could be more dangerous than many articles taken separately and detached from the body of the whole. It is an edifice which had absolutely better be levelled with the ground than shaken. Take away a single stone from the arch, and you will soon be buried under its ruins.

Nothing is more easy than to discover, on examination, the articles which the Council would avail themselves of, and those they want to elude. You will not forget, Sir, the disposition in which I undertake this examination. So far from advising you to touch upon the Edict of the Mediation, I would endeavour to shew how important it is for you not to meddle with it. If I seem to criticize on some articles, it is only to shew you of what consequence it will be to take away those which rectify them. If I appear to propose expedients which do not relate to them, it is only to shew the insincerity of those, who find unsurmountable difficulties,

where nothing is more eaſy than to remove thoſe difficulties. After this explanation, I enter upon the ſubject without ſcruple; being well perſuaded, that I write to a perſon too equitable to impute to me a deſign, contrary to my real intention.

I am ſenſible, that if I addreſſed myſelf to ſtrangers, it would be neceſſary, in order to make myſelf underſtood, to begin by drawing a picture of your conſtitution; but a ſufficient ſketch of this picture is traced out for them by M. d'Alembert, in his article entitled Geneva, in the Encyclopedia; and a more particular deſcription would be ſuperfluous for you, who are better acquainted with our laws and politicks than I am myſelf; or who have at leaſt had an opportunity of a nearer view of their operations. I confine myſelf, therefore, to a review of thoſe articles of the regulation, which relate to the preſent queſtions, and which may beſt furniſh us with a ſolution to it.

I ſee your government at firſt compoſed of five ſubordinate but independent orders; that is to ſay, neceſſarily exiſting, none of which could infringe the rights and privileges of the other; and in theſe five orders, I ſee the general Council comprehended. In each of theſe five I diſcover a particular portion of government; but in neither do I ſee the conſtitutive power which eſtabliſhes and connects them, and on which they all depend. I do not there ſee the Sovereign. Now in every ſtate a ſupreme power is neceſſary, a centre to which every part relates, a principle from which all is derived, a Sovereign which can do every thing.

Imagine,

Imagine, Sir, that any one giving you an account of the conſtitution of England ſhould deliver himſelf in the following words: "The Government of Great Britain is compoſed of four "orders, neither of which can infringe the "rights and privileges of any other, viz. the "King, the Upper-houſe, the Lower-houſe, "and the Parliament." Would you not immediately tell him that he was miſtaken, and that there were but three orders. The Parliament, which, when the King is preſent, comprehends all the orders, is not a fourth; it is the whole. It is the ſole and ſupreme power, from which each deduces its exiſtence and privileges. Being inveſted with the legiſlative authority, it is capable of changing even the fundamental law, by virtue of which each of thoſe orders exiſts. It is capable, do I ſay? it has before now actually done it.

This anſwer is juſt, and the application of it evident; and yet there is ſtill this difference, that the Parliament of England is ſovereign only by virtue of the law, and then only by proxy and deputation: whereas the Council-general of Geneva is neither conſtituted nor deputed by any body. It is ſovereign in its own perſonal right. It is the living and fundamental law, which gives life and ſtrength to the whole, and knows no other rights and privileges than its own. The Council-general is not any particular order of the ſtate: it is the ſtate itſelf.

The ſecond article imports, that the Syndics cannot be otherwiſe choſen than in the Council of Twenty-five. Now the Syndics are the annual magiſtrates, which the people elect and

chuſe, not only to be their judges, but to be their protectors, in caſe of need, againſt the perpetual Members of the Councils, which they do not chuſe*.

The effect of this reſtriction depends upon the difference there is between the authority of the Members of the Council and that of the Syndics. For if the difference be not very great, and a Syndic ſets no greater value on his annual authority as Syndic than on his perpetual authority as Counſellor, ſuch election will be a matter of indifference to him: he will do little to obtain it, and leſs to juſtify it. When all the Members of the Council are animated by the ſame ſpirit, and purſue the ſame maxims; the people, being unable to exclude any when the conduct of all is alike, or to chuſe any but Syndics already Counſellors, will be ſo far from ſecuring themſelves, by ſuch election, defenders againſt the encroachments of the Council, that

* In attributing the nomination of the members of the petty Council to the Two-hundred, nothing was more eaſy than to ſettle it according to the fundamental law. It had been ſufficient to have added, that no perſon could be of the Council without having been firſt an Auditor. By this method the gradation of charges would have been better obſerved, and the three Councils had concurred to the choice of that which is the firſt mover: a circumſtance not only important, but indiſpenſible to the ſupport of the unity of the conſtitution. The Genevans may not perceive the advantage of this clauſe, becauſe the choice of Auditors is at preſent of little effect; but they would have judged differently of this matter, had the office of Auditor opened the only door of entrance into the Council.

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they will only inveſt the Council with new powers of oppreſſion.

Although this choice took place in the origin of our inſtitution, ſo long as it was free it had not the ſame conſequences. When the people themſelves nominated the Counſellors, or when they nominated them directly by the Syndics, which they had firſt nominated, it was indifferent, and even advantageous for them, to chuſe their Syndics from among the Counſellors which they had already choſen *; and it was then prudent to prefer ſuch Chiefs as were already verſed in buſineſs: But a more important conſideration ought at this time of day to prevail over this. So true it is, that one and the ſame cuſtom may be productive of different effects, by the change of other cuſtoms which relate to them; and that it would be an innovation in ſuch a caſe not to make ſome innovation.

* The petty Council, in its origin, was nothing more than a choice made among the people, by the Syndics, of certain ingenious or prudent perſons to ſerve them as Aſſiſtants. Each Syndic made choice of four or five, whoſe office ended with his own; and often he even changed his Aſſiſtants during the courſe of his Syndicate. L'Eſpagne was the firſt Counſellor for life in 1487, and he was appointed by the Council-general. It was not even neceſſary to be a citizen in order to diſcharge this office. The law reſpecting it was made on account of one Michael Guillet de Thonon, who, having been admitted into the privy Council, was baniſhed thence for having made uſe of a number of foreign artifices which he brought from Rome, where he had been educated. The magiſtrates of the city, then true Genevans and fathers of the people, held all ſuch ſubtilties in abhorrence.

Article the third of this regulation is the moſt conſiderable. It treats of the Council-general lawfully aſſembled; it treats of it in order to fix the rights and prerogatives which are peculiar to it, and gives it ſeveral which the inferior Councils have uſurped. Theſe prerogatives are, on the whole, very fine, without doubt; but in the firſt place they are particularly ſpecified, and by that alone limited; that which is mentioned of courſe excluding that which is not mentioned; nay, the very word *limited* is inſerted in the very article. Now it is eſſential to the very being of a ſovereign power to be unlimited. It is either capable of every thing, or it is nothing. As it eminently contains all the active powers of the ſtate, to which it gives exiſtence, it can acknowledge no other prerogatives than its own, and thoſe it communicates. Otherwiſe the poſſeſſors of theſe prerogatives would make no part of the body politick: they muſt be foreigners by thoſe prerogatives which do not belong to it, and the moral perſon, wanting unity, would at once diſappear.

This limitation is even poſitive with regard to taxes; the Council-general itſelf not having a right to aboliſh thoſe which were eſtabliſhed before the year 1714. In this reſpect, therefore, we find it ſubjected to ſome ſuperior power. What is that power?

The Legiſlative Power conſiſts in two things that are inſeparable; to make laws, and maintain them; that is to ſay, to have an inſpection over the executive power. There is no ſtate in the world, in which the Sovereign hath not this inſpection. Without this, all connection, all ſubor-

ſubordination between theſe two powers failing, the laſt would not depend on the firſt, and the execution would have no neceſſary relation to the laws; the *Law* would be only a word of no meaning. The Council-general had always this right of protecting its own work; it hath always exerciſed it: Nothing is ſaid of it, however, in this article; and if this ſilence be not ſupplied by ſome other, your State is, by that ſilence alone, totally ſubverted. This point is important; and I ſhall return to it hereafter.

If your privileges are on one ſide confined by this article, they are extended by it on the other, in the third and fourth paragraphs: But is that ſufficient compenſation? From the principles laid down in the Social Compact, it is made evident, that, notwithſtanding the common opinion to the contrary, the alliances between different ſtates, declarations of war, and treaties of peace, are not acts of Sovereignty, but only of Government; and this opinion is conformable to the cuſtom of thoſe nations, who have beſt underſtood the true principles of politick law.

The exterior exerciſe of power is not adapted to the people; the great maxims of ſtate being above their comprehenſion. On this ſubject, therefore, they ought to rely on their Chiefs, who, being better inſtructed with regard to theſe matters, have no intereſt in making treaties with foreign powers diſadvantageous to their country. Good order requires, that all external ſplendor ſhould be left to their Chiefs; and that they ſhould attach themſelves only to what is domeſtick and ſolid. That which is moſt eſſential

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to every citizen is the obſervance of the laws at home, and the ſecurity of his perſon and property. So long as all goes right with regard to theſe, the Councils may be ſafely left to negotiate foreign affairs unmoleſted. It is not from this quarter the greateſt dangers are to be apprehended. It is about the individuals that the privileges of a people ought to be gathered; for when they can be attacked ſeparately, they are always ſubjected. I might here inſtance the wiſdom of the Romans; who, inveſting the Senate with the greateſt authority reſpecting foreign affairs, obliged it at home to pay reſpect to the meaneſt citizen. But we need not go ſo far for examples. The citizens of Neufchatel have conducted themſelves more prudently under their Princes, than you under your Magiſtrates *. They neither make peace nor war; they ratify no treaties; but they enjoy their privileges in ſecurity; and, as the law hath not preſumed that in a ſmall city a ſmall number of honeſt citizens ſhould become ruffians, they are ſtrangers to the odious cuſtom of impriſonment, without previous trial. With you, at Geneva, you are always ſeduced by appearances, and neglect what is eſſential. You are too much engaged with the Council-general, and not enough with its particular members: it were proper to think leſs of authority and more of liberty. But to return to the Councils-general.

Beſides the limitations of article III, the articles V and VI preſent another very ſingular

* This may be ſaid excluſive of flagrant abuſes, which it is certain I am far from approving.

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and ſtrange: A ſovereign Body, which can neither form itſelf, nor execute any operation of itſelf, but is abſolutely ſubjected, as well with regard to its activity as to the matters it treats, to ſubordinate tribunals. As theſe tribunals certainly will not approve of ſuch propoſitions as are particularly prejudicial to themſelves, if the intereſt of the State ſhould ever be found in oppoſition to their own, the laſt will, of courſe, have the preference, becauſe it is not permitted the Legiſlator to know any thing but what they approve.

By endeavouring to ſubject every thing to rule, the firſt of rules was ſubverted; which is juſtice and the publick good.

When will mankind be convinced that there is no diſorder ſo fatal as arbitrary power; by which they ſeek a remedy? This power is the worſt of all diſorders; while to make uſe of ſuch means to prevent them, is juſt the ſame as if one ſhould cut a man's throat to prevent his having the fever.

If a large company were to form tumultuouſly they may do a great deal of miſchief. In like manner in a numerous aſſembly, however regular, if every one were to ſay and propoſe what came into his head, much time would be loſt in liſtening to abſurdities, and ſome danger might be run of acting abſurdly. Theſe are inconteſtible truths; but would it be a reaſonable method of preventing theſe abuſes, to make ſuch an aſſembly depend ſolely on thoſe who would annihilate it? Or to prevent any one's making a propoſal in it, but thoſe who were intereſted in its deſtruction? Now, Sir, is not this exactly

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the ſtate of the caſe; and is there one man in all Geneva who can doubt that, if the exiſtence of the General Council depended entirely on the Petty Council, the General Council would be totally ſuppreſſed.

Yet this is the body which alone convokes thoſe aſſemblies, and which alone propoſes in them what it thinks proper: for, as to the Two-hundred, they only repeat the orders of the petty Council; and when this ſhall be delivered from the incumbrance of the general Council, it will ſuffer no embarraſſment from the Two-hundred; theſe will only follow after it, the road, which they have beaten after you.

Now what hath any one to fear from a troubleſome ſuperior, of whom one ſtands in no need; who appears only when one permits him, nor ſpeaks but when he is ſpoken to? When he is reduced to ſuch a ſituation, may not one look upon one's ſelf as fairly quit of him?

If it be ſaid, that the law of the State hath prevented the abolition of general Councils, in rendering them neceſſary to the election of Magiſtrates, and giving ſanction to new edicts? I anſwer as to the firſt point, that all the force of Government being transferred from the hands of the Magiſtrates choſen by the people, to thoſe of the petty Council, which they do not chuſe; and from among which the principal Magiſtrates are choſen, the election, and the aſſembly in which it is made, are no more than an idle and inconſiſtent formality; and that general Councils, held only for this purpoſe, may be juſtly accounted null and void. I anſwer farther, that, from the turn which things now take,

take, it is very eaſy even to elude this law, without any interruption of buſineſs: for, let us ſuppoſe that by the rejection of all the perſons offered, or under other pretexts, an election of Syndics cannot be made, would not the Council, into whoſe hands their juriſdiction inſenſibly falls, exerciſe it in default of the Syndics, as they now are independent of them? May one not venture to ſay already, that the petty Council, without the Syndics, conſtitute the Government? Would the State be leſs governed, therefore, without the Syndics? And as to new edicts; I anſwer, that they will never be ſo neceſſary, but that by the aſſiſtance of the Elders, and their uſurpations, the ſame Council would find means to do without them. Thoſe who ſet themſelves above the old laws, may well diſpenſe with the neceſſity of making new ones.

Every meaſure is taken to prevent your general Aſſemblies from being ever neceſſary. The periodical Council inſtituted, or rather re-eſtabliſhed, in 1707*, was not only held but once,

* Theſe periodical Councils are as old as the legiſlation, as may be ſeen by the laſt article of the Eccleſiaſtical Ordinances. In thoſe of 1576, printed in 1735, theſe Councils are fixed for every five years; but in thoſe of 1561, printed in 1562, they were fixed for every third year. It is hardly reaſonable to pretend that theſe Councils were aſſembled only for the reading of theſe Ordinances, as the printing of them put it in every one's power to peruſe them at his eaſe and leiſure, without there being any neceſſity on that account to convoke a general Council. Unhappily, indeed, great pains have been taken to efface many ancient traditions, which would now be of great utility in explaining our edicts.

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and that only to be abolished; but by the fifth paragraph of the third article of the regulation, it hath been provided for without you, and that for ever, at the charge of the administration. There is only one case, and this is the chimerical one of an indispensible war, in which the Council-general ought absolutely to be convoked.

The petty Council, therefore, may actually suppress the general Councils, without suffering any other inconvenience than that of drawing upon itself a few remonstrances; which it hath sufficient power to evade; or of exciting some fruitless murmurs, which it may without danger despise; for, by the articles VII, XXIII, XXIV, XXV, and XLIII, all kind of resistance is forbidden in any case whatever; and the external resources which may be applied to, neither make a part of the constitution, nor correct its defects.

It is true, the petty Council does not always exert this power, because it is in reality a matter of indifference to them, and an appearance of freedom makes real slavery more patiently endured. On the contrary, it continues to amuse you at an easy rate, by elections of no manner of consequence, with regard to the power they confer, and the subjects made choice of, as well as with regard to the laws which appear important; but which it renders futile, by observing them just as much and as little as it pleases.

Add to this, that nothing can be proposed, discussed, and deliberated in these assemblies; the petty Council presiding there, either by itself, or by its Syndics; and exerting the whole spirit

ſpirit of its particular body. It is thus at once both the magiſtrate and maſter of the Sovereignty. But is it not contrary to all ſenſe and reaſon, that the executive body ſhould regulate the police of the legiſlative; that it ſhould preſcribe the ſubjects of the latter's deliberation; that it ſhould prohibit its privileges of thinking and judging for itſelf; and that it ſhould exerciſe an abſolute power even with regard to the very acts made to lay it under proper reſtraint.

I grant that ſo numerous a body ſtands in need of ſome regulation and order; but this regulation and order ought not to ſubvert the very end of its inſtitution *. And is it more diffi-

* The Aſſemblies of the Councils-general were formerly very frequent at Geneva; and every matter of importance to the ſtate was laid before them. In the year 1707 the Syndic Chouet advanced, in a famous harangue, that ſuch frequency was a misfortune to the ſtate. We ſhall ſee preſently what we ought to think of it. He inſiſted much, alſo, on the exceſſive augmentation of the members, which rendered their frequent meetings at preſent impoſſible; affirming, that formerly the aſſembly did not exceed two or three hundred, whereas at preſent it amounts to thirteen or fourteen hundred. There is an exaggeration on both ſides.

The moſt ancient of our Councils-general conſiſted at leaſt of five or ſix hundred members; perhaps it would be difficult to point out one which had no more than two or three hundred. In 1420, the number of covenanters were ſeven hundred and twenty; and ſoon after above two hundred inhabitants more were admitted.

Now, though the city of Geneva is become more opulent, and hath more commerce, it hath not become more populous; its fortifications not permitting a greater extent of its walls; while they have effectually deſtroyed

cult now to eſtabliſh order, without ſlavery, among a few hundred men, naturally grave and phlegmatick, than it was formerly in Athens, of which we have been ſpeaking, in an aſſembly of many thouſands of hot-headed citizens; or than it was to do it in the metropolis of the world, where the very body of the people were poſſeſſed, in a great meaſure, of the executive power; or than it is even now in the great Council at Venice, full as numerous as your Council-general? Complaints have been made of the irregularity that prevails in the Parliament of England; and yet in this large aſſembly, compoſed of above ſeven hundred members; in which ſuch important affairs are managed, ſo many contrary intereſts claſh, and ſo many cabals are formed; in which each member hath a

deſtroyed its ſuburbs. Beſides, as it hath hardly any territory, and lies at the mercy of its neighbours for ſubſiſtence, it could not have grown greater without growing weaker. In 1404, there were reckoned thirteen hundred houſes, containing at leaſt thirteen thouſand ſouls. At preſent there are no more than twenty thouſand; a proportion very far from that of three to fourteen. Now from this number muſt be deducted that of the natives, inhabitants and foreigners, who do not enter into the compoſition of the Council-general: a number greatly increaſed in proportion to that of the citizens, ſince the expatriation of French refugees and the progreſs of induſtry. Some general Councils of our times have amounted to fourteen, and even to fifteen hundred; but in common they do not come near that number. Nay, if they ever riſe to thirteen hundred, it is only on thoſe critical occaſions, in which every good citizen would think himſelf deficient in his duty, if he were abſent; and in which the magiſtrates, on their part, muſter up all their partizans from without, to ſupport their meaſures:

right to ſpeak, the buſineſs of the nation is regularly and expeditiouſly tranſacted. Among you, nevertheleſs, whoſe intereſts are ſo ſimple, and whoſe affairs are ſo little complicated, that they ſeem, in the compariſon, no more than thoſe of a private family, a trifling buſtle puts all into a fright, as if the whole government was going to be ſubverted. The police of your general Council, Sir, is one of the moſt eaſy things in the world. Let it be eſtabliſhed only with a real view to the publick good, and every member of it will remain free, and buſineſs will be tranſacted in it with greater tranquillity than at preſent.

Let us ſuppoſe that, in the regulation of this Aſſembly, the very contrary method was followed to what is purſued at preſent; that, inſtead of

meaſures: now ſuch meaſures being unknown till the fifteenth century, they required no ſuch expedients: the number in common is between eight and nine hundred: ſometimes it is even leſs than that of the year 1420, particularly when the Aſſembly is held in ſummer, and the objects of its deliberation are unimportant. In 1754 I was myſelf preſent at a general Council, in which there were by no means ſeven hundred members.

From theſe ſeveral conſiderations, duly weighed, it will follow, that the Council-general is no more numerous than it hath been for two or three centuries paſt, or at leaſt that the difference is very inconſiderable. Yet in early times every body had the liberty of ſpeaking there; nor were the regularity and decorum, now ſubſiſting in it, at that time eſtabliſhed. They were ſometimes a little noiſy and tumultuous; but the people were free, the magiſtrates were reſpected, and the Council aſſembled often. The Syndic Chouet, therefore, advanced a falſhood, and reaſoned as falſely on what he advanced.

aſcer-

aſcertaining the privileges of the general Council, thoſe of the other Councils were to be determined firſt. For by knowing the latter, the former may be known alſo; in which caſe it muſt be owned, that the petty Council alone would be found poſſeſſed of ſtrange powers and prerogatives for a free, democratical ſtate; and theſe veſted in Chiefs whom the people do not make choice of, and who remain in office all their lives.

In the firſt place there is the union of two things, every where elſe incompatible, viz. the adminiſtration of ſtate affairs, and the executive part of juſtice, on the properties, lives, and reputations of the citizens.

An order the loweſt of all in its rank, and the higheſt in power.

An inferior Council, which is nevertheleſs the life and ſoul of the Republick: which alone is capable of making any propoſal; which is the firſt to decide, and whoſe ſole voice, even in its own cauſe, permits not its ſuperiors to have any voice at all.

A political Body, which acknowledges the authority of another, and which alone has the nomination of the members of that body to which it is ſubordinate.

A ſupreme Tribunal, from which one may appeal; or rather, on the contrary, an inferior judge, who preſides at tribunals ſuperior to his own: who, after ſitting as an inferior judge in the tribunal from which the appeal is made, not only goes to ſit as ſupreme judge in the tribunal appealed to, but hath no other collegues in that ſupreme tribunal than ſuch as he himſelf chuſes.

An

An order, in fine, which alone hath its principle of action within itself; which gives that principle to all the reſt; and which, ſupporting the reſolutions it hath taken amidſt them all, determines twice and votes three times*.

The appeal from the petty Council to that of the Two-hundred, is really child's play; as mere a political farce as ever was carried on in the world. Thus this appeal is not properly called an appeal; it is a favour deſired of juſtice; a recourſe in arreſt of judgment; in ſhort, it is not eaſy to ſay what it is. Is it to be ſuppoſed that, if the petty Council were not very ſenſible that this laſt recourſe could be of no effect, it would voluntarily ſuffer itſelf to be ſtripped of it, as it does? This diſintereſtedneſs is not one of its maxims.

If the deciſions of the petty Council are not always confirmed by the Two-hundred, it is otherwiſe only in the particular and contradictory affairs of individuals; in which it is of no conſequence to the magiſtracy which of the parties gain or loſe the cauſe. But in all publick affairs,

* In a republican ſtate there ought to be a language ſet apart for the purpoſes of government. Thus, for example, to *deliberate*, to *determine*, to *vote*, are three things very different, and yet not ſufficiently diſtinguiſhed. To *deliberate*, is to weigh the arguments for and againſt a thing. To *determine*, is to give one's opinion and aſſign the motives for it. To *vote*, is to give one's ſuffrage; when nothing more remains than to collect the voices. At firſt ſetting out, the matter is under deliberation; the next ſtep is to determine, and the laſt to vote. Legal tribunals have almoſt every where the ſame forms; but as in monarchies the publick have no need to learn the terms, they remain conſecrated to the bar.

in all those wherein the Council itself is interested, is the injustice it commits ever repaired by the Two-hundred? Doth the latter ever protect the oppressed, or refuse to confirm every thing that is done by the Council? Can a single instance be brought, in which it hath honourably made use of its prerogative, to favour the appellant. It is with regret I recall to mind a terrible instance of its inexorability. A certain citizen, whom the Council had sacrificed to its vengeance, had recourse to the Two-hundred; this unfortunate person stooped so low as to sue for favour: his innocence was notorious; all order of law had been violated in the prosecution carried on against him: yet all favour was refused him, and the innocent perished. Fatio was so sensible of the inutility of having recourse to the Two-hundred, that he did not deign to make any such application.

I am very sensible what the assembly of the Two-hundred is at Zurich, Berne, Fribourg, and in other aristocratical states; but I cannot see of what use it is in your constitution, nor what rank it holds there. Is it a superior tribunal? If it be, it is absurd for the inferior tribunal to sit in it. Is it a body representative of the sovereign? If it be, the constituents have a right to chuse their representatives. The establishment of the Two-hundred could have no other end than to moderate the enormous power of the petty Council; whereas, on the contrary, it only gives a new and additional weight to this same power. Now every political body, which constantly acts against the spirit of its institution, must be badly instituted.

But

But what ſignifies expatiating on circumſtances ſo notorious that no Genevan is ignorant of them? the Council of the Two-hundred is in itſelf nothing; it is no more than the petty Council appearing under another form. It attempted, indeed, once to ſhake off the yoke of its maſters, and to aſſume an independent exiſtence; by which effort alone the State had like to have been ſubverted. It is to the Council-general only that the Two-hundred owe even the appearance of authority. This was ſeen very evidently at the time I am ſpeaking of, and will be ſeen better hereafter, if the petty Council ſhould carry the point it hath in view. For while the Two-hundred join the latter in their endeavours to ſuppreſs the general Council, they labour to effect their own ruin; and, if they think to follow the example of the Two-hundred of Berne, they are groſly miſtaken: but there hath been almoſt always obſervable in this body, a very ſmall ſhare of underſtanding and a leſs degree of fortitude; nor can it be otherwiſe, from the manner in which it is compoſed *.

* I mean in general, and with regard to the ſpirit of the body; for I know that there are ſome very ſenſible and patriotic members among them; but being conſtantly under the eye of the petty Council, lying at its mercy without relief, and ſenſible they would be abandoned by the reſt of their body, they abſtain from making fruitleſs efforts, which would only ſerve to ruin them. The vile majority make a noiſe and triumph. The prudent man is ſilent, and utters his ſighs in ſecret.

Not that the Two-hundred were always held in ſuch diſcredit as they are now fallen into. They were formerly entitled to the public eſteem; and to the confidence of the citizens. Hence they were permitted

You see, Sir, that instead of ascertaining the prerogatives of the sovereign Council, it would be much more useful to ascertain the rights and privileges of those bodies which are subordinate; and without going any farther, you see still more plainly, that, by virtue of certain articles separately taken, the petty Council is the supreme dispenser of the laws; and by them of the lives and fortunes of individuals. When we reflect on the rights and privileges of the citizens and burghers, assembled in the general Council, nothing can be more captivating. But when we consider the same citizens as individuals apart, what do we see them become? The slaves of an arbitary power, lying defenceless at the mercy of five-and-twenty tyrants. The Athenians had at least thirty. What do I mean by five-and-twenty? Nine are sufficient to determine a civil cause, and thirteen a criminal one. If seven or eight of this number are agreed, they are to you as bad as so many Decemvirs. But even the Decemvirs were chosen by the people, whereas none of your judges are objects of your choice: and yet you call yourselves free!

quietly to exercise the prerogatives of the Council-general, which the petty Council afterwards secured by indirect means to itself. A new proof of what will be hereafter advanced, viz. that the citizens of Geneva are far from being turbulent, or eager to intermeddle in affairs of state.

LETTER THE EIGHTH.

I HAVE deduced, Sir, my examination of your preſent government from the regulations of the Mediation; by which that government is fixed. But I am ſo far from imputing to the Mediators any deſign to reduce you to a ſtate of ſlavery, that I could eaſily prove, to the contrary, that they have rendered your ſituation better in many reſpects than it was, before the troubles which obliged you to accept of their good offices. They found your city up in arms; at their arrival all was in a ſtate of anarchy and confuſion, which would not admit of their deducing from that ſtate any rule for their conduct. They recurred back, therefore, to more pacifick times, and ſtudied the primitive conſtitution of your government. Neither reaſon nor equity admitted of their giving you any other; and if they had, you would not have accepted it. Not being able, therefore, to remove its defects, they confined their views to the confirming it ſuch as it had been tranſmitted to you by your anceſtors. They even corrected it in ſeveral points; for as to the abuſes I have juſt remarked, there was not one of them which did not exiſt in the Republick long before the Mediators interfered with it. The only injury they ſeem to have done you, lies in having deprived the Legiſlature of the executive power, and the uſe of force in the ſupport of juſtice: but in affording you at the ſame

time another resource equally certain and more lawful, they converted this apparent evil into a real benefit. In becoming guarantees of your rights and privileges, they saved you the trouble of defending them yourselves. And what benefit, alas! amidst the miserable uncertainty of human affairs, is worth purchasing with the blood of our fellow-citizens? Even liberty itself is too dearly bought at that price!

The Mediators may have been mistaken; they were but men; but they certainly did not intend to deceive you; they wanted to be just. This is evident and demonstrable; every thing serving, in fact, to shew, that whatever is equivocal or defective in what they have done, arose frequently from necessity, sometimes from mistake, but never from ill design. It was their business to reconcile things almost incompatible, the rights of the people and the pretended prerogatives of the Council; the influence of the laws and the personal influence of the magistrates; the independence of the state and the guaranty of the regulation. All this could not be effected without a little contradiction; and it is of this contradiction your magistracy now takes the advantage, in converting every thing into its own favour, and making use of one half of your laws to violate the other.

It is evident, at first sight, that the Regulation itself is not a law which the Mediators wanted to impose on the Republick, but only an agreement which they have established between its members; and that of course they have made no infringement on the Sovereignty. This is evident, I say, by article XLIV, which leaves to the

Council-

Council-general, lawfully assembled, the right of altering the articles of the Regulation just as it may at any time seem convenient. Thus the Mediators did not set their will above that of the government; they only interfered in a case of actual division. This is the sense of article XV.

But from hence also the reserves and limitations to the rights and prerogatives of the Council-general, laid down in article III, become null and void: for if this Council should at any time take it into their heads to determine that their power was not restrained by such reserves and limitations, they would no longer be legally restrictive: and when all the members of a sovereign state regulate its powers over themselves, who hath any right to oppose them? The exclusions, therefore, which may be inferred from article III, signify nothing more than that the Council-general is restrained within such limits, till it thinks proper to exceed them.

This is one of the contradictions I spoke of, and of which the cause is easily explained. Besides all this, it was very difficult for the plenipotentiaries, who had been used to maxims of government very different, to enquire deep enough into the true principles of yours. The democratical constitution hath been hitherto very superficially examined. All those who have treated this subject, were either ignorant of it, too little interested in it, or interested to misrepresent it. None of them have sufficiently distinguished the Sovereign from the Government, the legislative power from the executive. There is no other mode of government in which these two powers are so separate, and in which they have

been so much confounded, by the affectation of writers. Some of them conceive, that a Democracy is a government in which the whole people are the magistrate and judge: Others, having no other notion of liberty than the right of electing Chiefs, and the not being subject to Princes, conceive that he who commands is always the Sovereign. The democratical constitution is certainly the master-piece of political art: but the more admirable the mechanism of it, the less are common eyes capable of inspecting into it. Can any thing be more certain, Sir, than that the first precaution of admitting no general Council to be lawfully assembled but what is convoked by the petty Council? and the second, of admitting no proposal to be made in this general Council, without the approbation of the said petty Council, are of themselves sufficient to keep the Council-general in a state of total dependence? The third precaution, therefore, of leaving the deliberation of the matters before them to that Council, is the most superfluous thing in the world; the petty Council finding no inconvenience in letting the general one enjoy all its supreme prerogatives, while it can make no use of them any farther than the petty Council is pleased to permit. In not limiting the prerogatives of the sovereign power, it was not rendered, in fact, less dependent, and an inconsistency was avoided: which proves that, for want of a thorough knowledge of your constitution, precautions were taken as fruitless in themselves as contradictory in their object.

It may be said, that these limitations were designed only to point out the cases in which the

inferior Councils ſhould be obliged to aſſemble the Council-general. This I underſtand very well; but would it not have been more ſimple and natural to have pointed out the prerogatives of thoſe very Councils themſelves, and the power they might exert without the concurrence of that ſuperior Council? Were the limits leſs fixed by what lay on one ſide than by what lay on the other? and when the inferior Councils ſhould treſpaſs on ſuch bounds, is it not clear that they had need to be authorized? By this means, I confeſs, a plainer view would be had of the many prerogatives lodged in the ſame hands; but then the objects would have been repreſented in their real light; the means of aſcertaining the reſpective privileges to the different bodies would have been deducible from the nature of the thing, and all contradiction would have been avoided.

The author of the Letters *, indeed, pretends, that the petty Council, being the government itſelf, ought, by virtue of that title, to exerciſe all the authority which is not directly veſted in the other political bodies of the ſtate. But this is in a manner to ſuppoſe its authority prior to the edicts; it is to ſuppoſe the petty Council is the primitive ſource of power, and therefore poſſeſſes all thoſe prerogatives it hath not alienated. Can you diſcover, Sir, in this notion, any of the principles of our conſtitution? So curious a proof deſerves a little of our attention. It is in the firſt place to be remarked, that the Letter-writer is treating of the power of the petty Council, ſet in oppoſition

* Letters from the Country, p. 66.

to that of the Syndics, that is to say, of each of those two powers separated from the other. The Edict speaks of the power of the Syndics without the Council; it says nothing of the power of the Council without the Syndics. And why so? Because the Council without the Syndics is the government. The very silence, therefore, of the edicts concerning the power of the Council, is so far from proving its nullity, that it proves its extent. A new and curious inference this. We may admit it, however, if the antecedent be proved.

If it is because the petty Council is the government that the edicts are silent about its power, they might say at least that it was so; lest their silence should tend to establish the contrary of what they have said.

Now I desire to know in which of your edicts it is said that the petty Council is the government; and till this can be shewn me, I will shew you in what edict it is declared to the contrary. In the preamble to the political edict of 1568, we find the following words: *Whereas the government and state of this city consists of four Syndics, the Council of Twenty-eight, the Council of Sixty, the Two-hundred, the General, and a Lieutenant in the ordinary course of justice, with other offices, as good order requires, as well for the administration of the common-weal as for that of justice, we have recollected the order which hath been hitherto observed ---- to the end that it may be preserved for the future ---- as follows.*

Again, in the first article of the edict of 1738, I observe it said, that *five orders compose the government of Geneva.* Now of these five orders,

orders, the four Syndics conſtitute but one; the Council of Twenty-five make another; in which the four Syndics are certainly comprehended, as they are alſo in the three others. The petty Council, therefore, without the Syndics, is not the government.

I open the edict of 1707, and I ſee the fifth article tells me in expreſs terms, that *Meſſieurs the Syndics have the direction and government of the ſtate.* I ſhut the book, therefore, and ſay, that according to the edicts, the petty Council without the Syndics, is not the government, notwithſtanding the Letter-writer affirms it is.

It may be ſaid, that I myſelf, in theſe very Letters, often impute the government to the petty Council. I confeſs it; but it is to the petty Council preſided over by the Syndics; and in that caſe it is certain that the government proviſionally reſts there, conſidered in the ſenſe which I have annexed to that word. But this is a very different ſenſe to that which the Letter-writer aſſigns to the term government. In my ſenſe of the word, government is poſſeſſed of no other powers than thoſe which are given it by the laws: on the contrary, in his ſenſe, government is poſſeſſed of all power, and of this the law cannot deprive it.

The objection of the Remonſtrants, therefore, remains in its full force, which advances, that when the edict ſpeaks of the Syndics, it ſpeaks of their power; and when it ſpeaks of the Council, it ſpeaks of its duty. I ſay, that this objection remains in its full force; for the Letter-writer replies to it only by an aſſertion contradicted by all the edicts. You will do me

a pleaſure, Sir, if I am miſtaken, to point out the error in my reaſoning.

That author, however, very well content with his, aſks *how it can be conceived that, if the Legiſlator had looked upon the petty Council in ſuch a light, it did not regulate its authority by any clauſe of the edict: that it ſuppoſed its authority throughout, but did not any where determine it* ?*

I ſhall endeavour to explain this profound myſtery. The Legiſlator did not expreſsly regulate the power of the Council, becauſe it gave it none independent of the Syndics, and when it ſuppoſed it veſted with authority, it was on the ſuppoſition of the Syndics preſiding in it. It had determined that of the Syndics, therefore it was needleſs to ſay any thing of the authority of the Council. The Syndics, it is true, cannot do every thing without the Council; but the Council can do nothing without the Syndics: it is, in fact, nothing without them; it is leſs than the Two-hundred, even when the Auditor Sarrazin preſided.

This I conceive to be the only reaſonable manner of explaining the ſilence of the edicts concerning the power of the petty Council; but this is not a manner of reaſoning the magiſtrates chuſe to adopt. Their very ſingular interpretations had been prevented, if a contrary method had been purſued in the regulation, and inſtead of aſcertaining the prerogatives of the Council-general it had determined theirs.

How many things, contrary to publick liberty and the rights and privileges of the citizens,

* Ibid. page 67.

might

might not ſtill be added! All theſe diſadvantages, however, which aroſe, or ſeemed to ariſe, from your conſtitution, and which cannot be corrected without running it in danger, have been ballanced and repaired with the greateſt wiſdom by compenſations ariſing from the ſame ſource; and this was exactly the intention of the Mediators, which, according to their expreſs declaration, was *to preſerve to each party its particular rights and privileges, conſiſtent with the fundamental laws of the ſtate.* M. Micheli du Cret, embittered by his misfortunes againſt this tranſaction, in which he was forgotten, accuſes it of having ſubverted the fundamental conſtitution of government, and of depriving the citizens and burghers of their privileges; without regarding how thoſe privileges, both publick as well as private, were preſerved or reſtored by that edict in the articles III, IV, X, XI, XI, XXII, XXX, XXXI, XXXII, XXXIV, XLII, and XLIV; without reflecting that the force of all theſe articles depends on one alone, which hath been preſerved alſo. An eſſential article, equivalent to all thoſe which are contrary to your intereſt, and ſo neceſſary to the effect of thoſe which are in your favour, that they would be all uſeleſs if this were eluded, as hath been attempted. We come now to the important point; but in order to be fully ſenſible of that importance, it is neceſſary to weigh properly what hath been already laid down.

Many have been the attempts to confound independence and liberty: two things ſo eſſentially different, that they reciprocally exclude each other. When every one does what he pleaſes,

pleaſes, he will of courſe often do things diſpleaſing to others; and this is not properly called a free ſtate. Liberty conſiſts leſs in acting according to one's own pleaſure, than in not being ſubject to the will and pleaſure of other people: it conſiſts alſo in our not ſubjecting the wills of other people to our own. Whoever is the maſter over others is not himſelf free, and even to reign is to obey. Your own magiſtrates know this better than any body; thoſe who, like Otho, decline no ſervility, in order that they may be able to command *. I know of no will that is truly free, but that to which none have a right to oppoſe reſiſtance; now in the common ſyſtem of liberty no one hath a right to do that which the liberty of another oppoſes; and true liberty is never deſtructive of itſelf. Thus liberty with-

* *Mankind in general* (ſays the author of the Letters from the Country,) *fear more to obey than they love to command.* Tacitus, who was a good judge of the human heart, thought differently. If this maxim, indeed were true, the ſervants of the great would be leſs inſolent to trades-people, and we ſhould ſee fewer flatterers cringing at the courts of Princes. There are few men whoſe hearts are ſincere enough to love liberty: all would command, and at that price none fear to obey. A little upſtart will ſubject himſelf to a thouſand maſters, in order to acquire ten ſervants. To prove this, we need only look upon the vanity and ambition of the Nobility in monarchical governments. With what emphaſis do they pronounce the word *ſervice?* How proud are they of having *ſerved?* And how great and reſpectable do they think themſelves when they are entitled to the honour of ſaying *the King, my maſter?* How do they affect to deſpiſe republicans, who are nothing more than free, and are certainly more noble in fact than themſelves?

out

out equity is a palpable contradiction; for, take it how we will, every thing muſt cauſe reſtraint in the execution of a licentious will.

There is then no ſuch thing as liberty without laws, nor where any one is above the laws; even in a ſtate of nature, man being no otherwiſe free than by virtue of that natural law, which is binding to all. A free people are ſubjects, but not ſlaves; they obey, but do not ſerve; they have chiefs but no maſters: they are obedient to the laws, but to them only: and it is by the force of thoſe laws that they are ſecured from paying obedience to men. All the barriers that are erected in republican governments againſt the power of the Magiſtrates, are raiſed only to preſerve the ſacred repoſitory of the laws from their infringement. Magiſtrates are the Miniſters, not the arbiters of the laws; they ought to protect, not to break them. A people are free, whatever be their form of government, when thoſe who govern appear only as the organs of the law. In a word, liberty always follows the fortunes of the laws, it reigns or periſhes with them. I know nothing more certain.

You have good and wiſe laws, whether it be that they are ſo in themſelves, or whether it be merely becauſe they are laws. Every condition impoſed on individuals by the whole body, never can be burthenſome to any, and the worſt laws are ſtill better than the beſt maſters; for every maſter will have reſpect to perſons, whereas the laws are ever impartial.

Since the conſtitution of your ſtate hath taken a fixed and ſtable form, your functions of

legiſlator

legiſlator are at an end. The ſecurity of the edifice requires, that at preſent there ſhould be as many obſtacles to the impairing it, as at firſt it required conveniences to conſtruct it. The negative right of the Councils, taken in this ſenſe, is the ſupport of the republick. The 6th article of the regulation is clear and preciſe; and on this head I ſubſcribe to the arguments of the Letter-writer; which are unanſwerable; ſo that whenever this privilege, ſo juſtly reclaimed by your Magiſtrates, ſhould happen to be contrary to your intereſts, you ſhould bear it with patience. Honeſt men ought never to ſhut their eyes againſt evidence, nor diſpute againſt the truth.

The work is compleated, and nothing now remains but to render it unalterable. Now the work of the legiſlator never alters, and is to be deſtroyed only in one way; this is when the depoſitaries of this work abuſe their truſt, and make themſelves obeyed in the name of the laws, which they themſelves diſobey*. In

* The people never yet rebelled againſt the laws, unleſs provoked by ſome oppreſſion in their Chiefs. It is on this certain principle that in China, whenever there is a revolt in any of the provinces, the Governor is the firſt perſon puniſhed. In Europe, our Kings conſtantly follow a different maxim, and therefore we ſee how little their ſtates proſper. Population diminiſhes here a tenth part in every thirty years, whereas in China it doth not diminiſh at all. The oriental deſpotiſm ſupports itſelf, becauſe it is more ſevere on the Great than on the populace: it therefore finds in itſelf its own remedy. I am told that they begin to adopt the Chriſtian maxim at Conſtantinople. If ſo, we ſhall ſoon ſee the conſequences that will reſult from it.

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this case the best thing is productive of the worst; and the law, which should serve as a bulwark against tyranny, is more fatal than tyranny itself. This is what is prevented by the privilege of representation stipulated in your edicts, and restrained but confirmed by the Mediation. This privilege entitles you to the inspection, not of the act of legislation, as at first, but of the administration of the laws. While your Magistrates, all powerful in the name of the laws, sole masters to propose new ones to the legislator, are subject to its decisions, when they depart from such as are established.

By this article alone, your government, otherwise subject to many considerable defects, becomes the best that ever existed: for what government can be better than that of which all the parts are ballanced in perfect equilibrio; in which individuals cannot transgress the laws because they are subject to proper judges; and in which those judges cannot transgress them neither, because their conduct is inspected by the people?

It is true that, in order to find some reality in this advantage, it must not be founded on a vain right; but when we speak of a right we do not speak of a thing that is vain. To tell the person, who hath transgressed the law, that he hath transgressed the law, is to take a ridiculous and fruitless trouble. It is telling him a thing he knows as well as you.

Right, according to Puffendorf, is a moral quality, by virtue of which something or other is due to us. The mere liberty of complaining is, therefore, no right, or at least it is a right which

which nature grants to all, and of which the laws of no nation deprive any one. Was it ever thought neceſſary to ſtipulate by the laws that whoever ſhall loſe his cauſe ſhould have the liberty of complaining? Was it ever known that any perſon was puniſhed for it?

Where is the government, how abſolute ſoever, in which the citizen hath not the right of preſenting memorials to the Prince, or his Miniſters, concerning any thing he may conceive to be of uſe to the ſtate? And how ridiculous would not an edict appear, which ſhould formally grant to ſubjects the privilege of preſenting ſuch memorials? It is not, however, in a deſpotic ſtate; it is in a republic, in a democracy, that permiſſion is formally given to the citizens, to the very members of the ſovereignty, to uſe toward their magiſtracy thoſe privileges, of which no deſpotic Prince ever yet deprived the meaneſt of his ſlaves.

What! doth this privilege of remonſtrating, conſiſt only in preſenting a paper, which poſſibly may not be read, or to which may be at beſt returned only a barren negative *? Is this privilege, ſo ſolemnly ſtipulated for, in compenſation for ſo many ſacrifices, confined to the mighty prerogative of aſking and obtaining nothing? To venture to advance ſuch a propoſition, is to accuſe the Mediators of having baſely over-reached the citizens of Geneva; it is to ſuſpect the probity of the Plenipotentiaries, the

* Such, for example, as the reply made by the Council the 10th of Auguſt, 1763, to the Remonſtrances delivered to the firſt Syndic, on the 8th, by a conſiderable number of citizens and burghers.

equity

equity of the mediating powers; it is an insult at once to decency and common sense.

But, after all, what is this privilege? How far doth it extend? And how may it be exercised? Why is nothing of all this specified in the 7th article? These are reasonable questions, and present difficulties which merit examination.

The solution of one only will give that of all the rest, and discover the true spirit of this institution.

In a state such as yours, where the Sovereignty is in the hands of the people, the legislator always exists, though it does not always appear. It is never assembled, or speaks authentically, but in the Council-general; but out of the Council-general it is not annihilated; its members are dispersed, indeed, but they are not defunct: they cannot speak by the laws, but they may attend to the administration of those laws; it is their right; it is even a duty attached to their persons, and which cannot, at any time, be taken from them. Hence the right of making remonstrances. And thus the remonstrances of a citizen, or of any number of them together, is only a declaration of their opinion upon a matter that properly concerns them. This is the plain and necessary sense of the edict of 1707, as to the fifth article, which relates to such remonstrances.

In this article, the method of signing names is justly proscribed; because this is in a manner giving suffrage, and voting, as if the members were already in general Council; but the form of a general Council ought not to be adopted, unless

unleſs when it is lawfully aſſembled. The method of remonſtrating hath the ſame advantage, without being attended with the ſame inconvenience. In this method, the members do not vote as if they were in the general Council; they only take upon them to judge what matters ought to be brought before them; as they do not number voices, they do not give their ſuffrage, they only give their advice. This advice, indeed, is only that of one or more individuals; but theſe individuals, being members of the ſovereignty, and capable of ſometimes repreſenting it by their number, it is but reaſonable that ſome regard ſhould be paid to it; not indeed as a deciſive determination, but as a propoſition that demands ſuch regard, and renders it ſometimes neceſſary.

Theſe remonſtrances may relate to two principal objects, the difference of which determines the manner in which the Council ought to take cognizance of ſuch remonſtrances. Of theſe two objects, one is the making ſome alteration in the law; the other is, the reparation of ſome tranſgreſſion of the law. This diviſion is compleat, and comprehends every thing which ſhould be made the ſubject of ſuch remonſtrances. It is founded upon the edict itſelf; which, diſtinguiſhing the terms according to the objects, impoſes on the Attorney-general the duty of drawing up *inſtances*, or *remonſtrances*, as the citizens prefer their *complaints*, or *requiſitions* *.

* The word *réquerir* (require,) not only ſignifies to demand, but to demand by virtue of ſome right. This laſt acceptation of the word takes place in all judicial forms,

This distinction being once established, the Council, to which these remonstrances are addressed, ought to regard them differently, according to that of the two objects, to which they bear a relation. In those states where the laws are already settled, there should be as much care as possible taken, that no alteration be made in them, especially in small Republicks, where the slightest shock disunites the whole. The dread of innovations is therefore, for the most part, justly founded. It is particularly so with regard to you, who cannot but suffer from them; and the government cannot raise a greater obstacle against their admission; for however useful new laws may be, yet the danger to be apprehended from their introduction, almost always exceeds the prospect of advantage from them.

In this respect, when the burgess or citizen has offered his advice, he has done his duty. He ought, moreover, to have a proper confidence in his magistrate, and to judge him capable of weighing the advantage of what he had proposed, and offered for his approbation, if he found it for the publick good. The law, therefore, has wisely provided, that neither the

forms, in which this law-term is used. We say *réquerir justice*, (to require justice,) but never *réquerir grace*, (to require favour;) so that in both these cases the citizens have an equal right of requiring, that their *requisitions*, or *complaints*, rejected by the inferior Councils, should be brought before the General, or Great Council. But by the addition of a word, in the sixth article of the edition in 1738, this right is limited to a complaint only, as it is expressed in the text.

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eſtabliſhment, nor propoſal, of ſuch innovations ſhould paſs, without being conſidered by the Councils; and this is that negative right they lay claim to, and which, in my opinion, inconteſtibly belongs to them.

But the ſecond object having a quite oppoſite principle, ought to be conſidered in a different light. Innovation is not the point here, but, on the contrary, it is to prevent any innovation from being attempted; not for the eſtabliſhment of new laws, but for the maintainance of the old, in all their vigour. When things have a natural bent to change, freſh care ſhould be employed to prevent it. Behold what the citizens and burgeſſes propoſe to themſelves by the complaints, the edict mentions, who have ſo great an intereſt in oppoſing any change in the laws.

The legiſlative power in being, always perceives the effect, or abuſe of its laws; it ſees whether they are obſerved or tranſgreſſed, whether they bear a good or evil conſtruction; it watches over them; it is incumbent on it ſo to do; it is its right, it is its duty, it has even ſworn to perform it. It diſcharges this part of its duty by making remonſtrances; it is this right it exerciſes; and it would be againſt reaſon, and even indecent, to ſuppoſe that the negative right of the Council extended to that object.

This would be unreaſonable with reſpect to the legiſlature, becauſe, in that caſe, the ſolemnity of the laws would be ridiculous and vain, and the ſtate would in fact have no other law, but the will of the petty Council, in

in whose power it would absolutely be to neglect, despise, or violate and change all that might be offered to its consideration, and to turn black into white, without being accountable to any body. To what purpose their assembling in St. Peter's church, in a solemn manner, to give a sanction to their ineffectual Edicts, and thus address the petty Council, *Gentlemen, here is the body of laws we establish for the regulation of the state, and of which we make you, the depositaries, only to empower you to conform to or trangress them whenever you shall think proper.*

This would be unreasonable, with respect to remonstrances, because then, the right stipulated by an express article of the edict of 1707, and confirmed by a particular clause, in the edict of 1738, would prove a mere fallacy, and would mean no more, than a liberty of making an unvailing complaint, when they were aggrieved; a liberty which, never being yet disputed, it would be highly ridiculous to establish by law.

Lastly, this would be absolutely indecent, as such a supposition, would argue a distrust of the probity of the Mediators. It would be in effect, to make your magistrates knaves, and your citizens dupes, when the consequence of so many negotiations, treaties, and transactions, amounted to no more, than the subjecting one part of the people to the absolute discretion of the other, and making the largest concessions, in exchange for securities of no manner of value.

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But say these Gentlemen, the edict is in express terms, *Nothing shall be carried to the general Council, which has not been previously discussed, and approved of, in the Council of Twenty-five, and afterwards in the Council of Two-hundred.*

What does the present question prove, but that this is a regular proceeding, conformable to the orders and obligation of the inferior Councils, of treating and previously approving, what is to be presented to the general Council. Are not the Councils necessitated to approve of what the law prescribes. How so! if it should happen, that the council opposed their proceeding to elect Syndics, must the matter rest there? and if the persons proposed should be rejected, are they not under a necessity of giving their approbation to those proposed by others, be they who they will?

On the contrary, it is easily perceived, that this right of approving and rejecting, taken absolutely, is only applicable to such propositions as include novelty, or innovation, and not to what is only relative to the supporting the old established rules. Is it good sense to imagine any necessity of a new approbation, to redress the infringement of a law, long established. The approbation given to a law, when first promulged, contains all the consent requisite for its execution: when the Councils have once approved of the establishment of a law, they, by consequence, enjoin the observance, and ordain that the violators be punished; and when the complaints of the burghers proceed no farther than a demand of repa-

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ration, without inſiſting on puniſhment, do they expect that ſuch a propoſal wants to be confirmed by a ſubſequent approbation? If this, Sir, is not a ſolemn mockery, I know not what is.

The whole difficulty that ariſes on this point, is, with regard to the matter of fact. Has this law been tranſgreſſed, or not? The citizens and burgeſſes ſay the affirmative, the magiſtrates deny it. Now conceive if poſſible any thing, in that caſe, more unreaſonable, than this claim to aſſert a negative. They are told they have broken the law. They anſwer, they have not; and ſo being arbitrary judges in their own cauſe, they are juſtified, contrary to evidence, by their bare affirmation.

You will, perhaps, aſk, if an affirmative be always evidence? I do not ſay ſo. But I ſay, admitting it to be evidence, your Magiſtrates would not leſs inſiſt on their pretended negative right. This is exactly the caſe, and what ought to be the legal preſumption? Is it credible, is it natural to ſuppoſe, that private perſons, without power or authority, ſhould come and tell the Magiſtrates, who may be to-morrow their judges, that they have done them injuſtice, when they have not? What could they hope for, from a conduct ſo ridiculous, were it even to paſs with impunity? Could they imagine that theſe Magiſtrates, ſo haughty and inflexible in the wrong, would acknowledge errors of which they were not culpable? On the other hand, is it not more natural to believe they would deny the faults they had committed? Have not they intereſts to

ſupport, and is it not an encouragement to do ſo, when they are certain of impunity, and have beſides the power of the ſtate in their own hands? When the powerful and the weak are at variance, which is generally to the prejudice of the latter, the moſt reaſonable preſumption is, that the ſtrongeſt is in the wrong.

I know very well that probabilities do not amount to proofs: but in matters of notoriety, relative to the laws, when a number of citizens affirm, that injuſtice has been committed, and the Magiſtrate, who is accuſed of that injuſtice, affirms the contrary, who can judge in that caſe but the intelligent publick; and where are they to be found at Geneva, unleſs among the Members of the General Council, which is compoſed of both parties?

There is no nation whatever, where a ſubject, injured by an oppreſſive magiſtrate, cannot find ſome method of carrying his complaint before the Prince; and the dread of ſuch an appeal reſtrains the commiſſion of many enormities. In France, where the Parliaments are extremely rigorous in their attachment to the laws, the proceedings, in many caſes, are open againſt them, and by application to the Courts of Requeſt a repeal of their decree may be obtained. The people of Geneva have no ſuch privilege. The parties condemned by the Councils, can in no caſe appeal to any other Tribunal: but that which no perſon can do for his own private intereſt, is permitted to all, when the common good is concerned: for every abuſe of the law, being an attack againſt the liberty of the people, becomes a publick affair,

affair, and when the calamity is general, it ought then to be laid before the Sovereign by way of complaint. Without that reſource, there is no Parliament, Senate, or Tribunal on earth, that would not be armed with the ſame dreadful power, which your Magiſtracy has dared to uſurp; there can no where be any government ſo tyrannical as yours, and you muſt allow it is a very odd kind of liberty you enjoy in your Republick.

The right of making remonſtrances is cloſely united to your very conſtitution; which is the only method of reconciling liberty with ſubordination, and of keeping the Magiſtrates in a ſtate of due dependence on the laws, without leſſening their authority over the people. If remonſtrances have a juſt foundation, if the reaſons for making them are evident, we ſhould preſume the Council ſufficiently equitable to pay them a proper regard. But if, on the contrary, the grievances were either trivial, or imaginary, or had not that degree of evidence which might remove all doubt, it would then make a difference, and the deciſion would be made by the general voice; which is, in your ſtate, the ſupreme power and only ſovereign. Now as this general voice, ever ſince the foundation of the Republick, has always had the means of exerting itſelf, and that thoſe means were a part of the conſtitution, it follows, that the edict of 1707, being grounded beſides on immemorial right, and conſtant exerciſe of that right, had not the leaſt need of farther explanation.

The Mediators having laid it down as a fundamental rule, to deviate as little as poſſible from the tenor of the ancient edicts, left that article as they found it, and even ſent it back unaltered. So by their regulation with reſpect to that point, your right continues exactly the ſame: as the article by which it was eſtabliſhed is abſolutely repealed.

But the Mediators did not perceive, that the change they were under a neceſſity of making in other points, obliged them to a farther illuſtration of this particular, and to add ſuch new explanations as were judged proper, conſidering them as conſequences deduced from that point. The effect of neglecting remonſtrances from private perſons, is, that it becomes then a common cauſe, and the oppoſition made by the publick voice, prevents a refuſal of juſtice. This alteration was, at that time, legal, and agreed with the fundamental law of nations, which, in every country, arms the ſupreme magiſtrate with the force of the ſtate, when it becomes neceſſary, for the execution of its will.

The Mediators have not ſuppoſed any ſuch denial of juſtice, though the event proves they ought to have ſuppoſed it. They judged it neceſſary, for preſerving the publick peace, to diveſt right of power, and even to ſuppreſs the inoffenſive aſſemblies and deputations of the order of burgeſſes. But ſince the right of the burgeſſes had been otherwiſe confirmed, the Mediators ſhould have inſerted, in the form by which theſe innovations were made, a ſaving of that right, in recompence for thoſe they

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were deprived of, which was never done. Their work was very defective in that reſpect; for as the right continued unimpeached, its effects ſhould have ſtill remained.

Thus you ſee with what policy your magiſtrates take advantage of this omiſſion in the Mediators! Be your number ever ſo great, they regard you only in the light of private perſons; and whenever you ſhall loſe the right of aſſembling in a body, that body will be conſidered as annihilated. It is not come to that yet, as that body ſtill preſerves all its rights and immunities, and always makes a principal part of the ſtate and legiſlature. They drop that falſe ſuppoſition, therefore, in order to raiſe numberleſs imaginary difficulties, with reſpect to the authority by which they are laid under a neceſſity of aſſembling the General Council. There is no authority but that of the laws when they are properly obſerved: but the authority of the law, infringed by them, belongs to the legiſlature in general; and the magiſtrates, not daring abſolutely to deny, that in ſuch caſe the power reſides in the majority, raiſe their objections with regard to the means of aſcertaining it. Theſe means will always be eaſy, as ſoon as they ſhall be permitted, and will be attended with no inconveniency; as the abuſe of them may be readily prevented.

Thus would all tumult and violence ceaſe; there would be no farther need of thoſe reſources, which, however neceſſary, are always terrible, and which you are very wiſely prohibited, not becauſe you have ever abuſed them, (for, on the contrary, you left them to the laſt

extremity,) only for your defence, and always with that moderation, which ſhould have continued to you the power of arming yourſelves, if ſome danger had not proceeded from the indiſcretion of a few. Nevertheleſs, I ſhall return thanks to Heaven, that we are now freed from that dreadful pomp of arms, in the midſt of our ſtate. *All things are lawful in caſes of extremity*, as the author of the Letters expreſſes himſelf, in many places. Allowing that aſſertion to be true, yet, certainly all things would not be expedient. When the abuſe of power puts the ſufferer above the law, doth it neceſſarily follow, that the means he employs to deſtroy that tyranny are ſuch as leave him any hopes of ſucceſs? Would they deſire you ſhould be reduced to that dilemma? I cannot believe it; and if that ſhould ever be the caſe, I think there is nothing capable of inducing you to take ſo deſperate a remedy. In your ſituation, every falſe ſtep is fatal; and whatever might betray you into a reſolution of doing yourſelves juſtice that way, is but a dangerous ſnare laid for both your lives and liberties; and were you to be maſters but for a moment, in leſs than a fortnight you would be cruſhed to atoms. Let your magiſtrates act as they pleaſe; let the author of the Letters ſay what he will; a juſt cauſe never uſes violent methods. Although I believe they would not willingly force you to deſperate reſolutions, yet I am of opinion they would ſee you enter into them with pleaſure; and I think they ought not to oblige you to regard that as an expedient, which would deprive you of all other remedies. Juſtice and

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the laws are on your ſide: theſe, I know, are but feeble ſupports againſt intereſt and intrigue, but they are all you have to truſt to; rely on them, and perſevere in your pacifick reſolutions to the end.

Can I approve of diſturbing the publick peace? I, who have ſacrificed to it whatever was deareſt to me? You very well know, Sir, how I was intreated, ſollicited; my appearance alone would have been ſufficient; my rights would have been ſupported, perhaps my injuries repaired. My preſence would have engaged my adverſaries in intrigues, and I ſhould have been in one of thoſe envied ſituations, in which the actor of a capital part contemplates, with conſcious dignity, his own importance. I have choſen baniſhment from my country; I have renounced all, even hope itſelf, rather than riſque the ſafety of the publick, by diſturbing its tranquillity. My ſincerity ought to be credited by the publick, ſince I argue ſo ſtrongly in its favour.

But why ſhould aſſemblies of the people, purely civil and peaceable, be ſuppreſſed, which could only be for legal purpoſes, as they were ſtill in ſubordination to the magiſtrates? Why, ſince the burgeſſes were poſſeſſed of the right of making remonſtrances, were they not permitted to perform that function with the regularity and authenticity it required? Why take from them the means of deliberating among themſelves, and of preventing tumult: at leaſt with reſpect to ſending deputies to their aſſemblies? Can any thing be conceived better regulated, more decent, or

convenient than meeting together by companies, and the manner of proceeding eſtabliſhed among the burgeſſes ever ſince they have governed the ſtate? Is it not better policy to ſee thirty deputies go to the town-houſe, in the name of all their fellow-citizens, than the whole body of burgeſſes crouding tumultuouſly, each having his particular intereſt, and ſpeaking only for himſelf? You yourſelf, Sir, have ſeen thoſe that had remonſtrances to make, obliged, on account of their numbers, to be divided into parties, to avoid that brawling and uproar, inſeparable from ill-managed popular aſſemblies; and afterwards coming in ſmall companies of thirty or forty, obſerving more modeſty and reſerve in their behaviour, than the laws preſcribed them. But ſuch is the ſpirit of the Genevans, always rather under than over the mark with reſpect to their privileges; they are often reſolute, but never ſeditious; the law is always written in their hearts, and a reſpect for their magiſtrates uppermoſt in their thoughts. Even at times when the moſt lively indignation ſhould have animated their reſentment, and when there was no obſtacle to prevent the full ſcope of popular fury, they were never known to manifeſt the ſmalleſt ſymptoms of diſobedience to their magiſtrates. Can ſo much be ſaid in favour of their oppreſſors? The people are ſenſible of what they have formerly ſuffered; and they know what fate may hereafter be prepared for them, by their unjuſt and tyrannical maſters.

Theſe are the men who truly deſerve liberty, becauſe they never abuſe it; who are, notwithſtanding,

ſtanding, loaded with chains like the vileſt miſcreants. Such are thoſe citizens, joint ſharers of the ſovereign power, who are treated as ſlaves, and even worſe than the ſubjects of the commonwealth; for in the moſt abſolute governments, communities are allowed to aſſemble without the preſence of a magiſtrate.

Contradictory regulations can never be obſerved at the ſame time. The magiſtrates permit, they authorize the right of making remonſtrances, and reproach the remonſtrants with not being conſiſtent with themſelves, when they take all means poſſible to prevent their being ſo. This is not juſt; and if they hinder your coming in a body, they ſhould not afterward object againſt your capacity, as private perſons. Why cannot they perceive, that if the weight of remonſtrances depends on the number of remonſtrants, it is impoſſible, in a general aſſembly, for each member to preſent his remonſtrance ſeparately? Beſides, how great would be the difficulty for the magiſtrate, if he was obliged to read or hear ſeverally the petitions of a thouſand perſons, as he is enjoined by law.

Here is that eaſy ſolution of the great enigma, ſaid, by the authors of the Letters, to be incapable of explanation *. When the Magiſtrate pays no regard to the complaints of particular perſons, let him receive them from the company of Burgeſſes; let him allow of remonſtrances from them ſeparately, at different times and places; let thoſe of the Burgeſſes company, who would ſupport their remonſtrances by plurality of voices, do it by their

* Page 88.

Deputies; let then the Deputies be entered on a liſt; their number be limited; and we ſhall preſently ſee, whether their votes are, or are not, thoſe of the State. But this is not material: Take heed only not to intruſt theſe partial aſſemblies with any power, but that of giving their opinion on the ſubject of remonſtrances. They will, as aſſemblies authorized for that purpoſe alone, have no right, but as individuals. Their buſineſs is not to alter the law, but to judge whether it be properly obſerved; not to redreſs grievances, but only to point out the neceſſity of adapting a remedy; and ſuppoſing their voices to be unanimous, it will amount to no more than a remonſtrance. Thus it will only be their province to know, if the remonſtrance before them deſerves their attention, whether to aſſemble the General Council, if the Magiſtrates approve of it, or to diſpenſe with their meeting, if they ſhall think it more expedient; taking it on themſelves to conſider the juſt complaints of the Citizens and Burgeſſes.

This is a plain, eaſy, and natural way, without the leaſt inconveniency. There is no new law to make, it is only repealing one article for that purpoſe. In the mean time, if this ſhould ſtartle your Magiſtrates, there is another method as eaſy, and not favouring more of innovation, which is to eſtabliſh general periodical Councils, and to limit their juriſdiction to ſuch complaints as ſhall come before them, without meddling with any other matter, for and during the interval between the ſeſſions of the General Council. Theſe aſſemblies, which by

by a very important diſtinction * ſhould not have the authority of Sovereign, but that of Supreme Magiſtrate, ſo far from being capable of innovating, muſt infallibly prevent any ſuch practice on the part of the Councils, and ſettle every thing relative to the legiſlative power in ſuch a manner, as that the body, intruſted with the forces of the State, might immediately withdraw itſelf without trouble, as much as it pleaſed; and to put an end to theſe aſſemblies, the Magiſtrate will have nothing to do, but exactly to fulfill the laws; as the convocation of this general aſſembly will be uſeleſs and ridiculous, when it has no buſineſs to tranſact; and that was, in all probability, the caſe, when the general periodical Councils were diſſolved in the ſixteenth century, as before mentioned.

It was for the purpoſe I juſt now related, that they were re-eſtabliſhed in 1707, and the old debate, now revived, was at that time decided by three conſecutive general Councils, the laſt of which paſſed the article concerning the right of the Burgeſſes to make remonſtrances. That right was not conteſted, but eluded; the Magiſtrates durſt not refuſe their aſſent, that when the complaints of the Burgeſſes were rejected, the matter ſhould not be brought before the General Council; but as it was their province alone to convoke it, they uſurped the power of putting off the meeting as they thought fit, and were ſure of tiring the patience of the Burgeſſes by their repeated delays. Yet their indiſputable right was at laſt ſo well known, that they gave notice on the

* See the Social Compact, book iii. chap. 17.

ninth of April for the meeting of the General Assembly the fifth of May, *to the end* (says the proclamation) *that those reports and insinuations may no longer be believed, that it is in the power of any persons whatsoever, to elude or defer the meeting of the General Assembly to a farther day.*

Let it not be said that this convocation was influenced by any violence or act tending to sedition, as every thing was transacted by deputation, as the Council directed, and never were the Citizens and Burgesses more peaceable at their meetings, purposely avoiding to appear in great numbers, or to assume a commanding air; and so far did they lay aside their dignity, that those who generally wore swords left them off to assist at the Assembly*. It was not till after the third General Council, that they called to arms, through the fault of the Council itself, who had the imprudence to send three companies of the garrison with bayonets fixed, in order to use violence to two or three hundred Citizens, still assembled at St. Peter's church.

These periodical Councils, re-established in 1707, were dissolved five years after. But by what means, and under what circumstances? A short examination of the edict of 1712, will point out how we ought to judge of its validity.

* They used the same precaution in 1734, in the remonstrances of the 4th of March, supported by a thousand or twelve-hundred citizens, or burgesses, in person, not one of whom wore a sword. These *minutiæ*, which would be of no moment in any other state, are of consequence in a Democracy, and point out the national character better than matters of a more striking nature.

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In the firſt place, the people, terrified by the late executions and proſcriptions, had neither liberty, nor any ſecurity for their lives: they were afraid of every thing, after the treacherous act of indemnity made uſe of to ſurprize them. They dreaded ſeeing at their doors, the Swiſs, who ſerve as officers in theſe bloody executions. Scarce recovered from the fright they were firſt put into by the edict, they granted every thing that was demanded, through mere terror. They very well perceived they were not aſſembled to give laws, but to receive them.

The motives of the repeal, founded on the dangers with which the periodical Council was threatened, point out a manifeſt abſurdity to any perſon, who knows the ſpirit of your conſtitution, and that of your burgeſſes. They alledge in their excuſe, the miſeries of the plague, famine, and war; as if war or famine could prevent the meeting of a Council; and as to the plague, you muſt confeſs it to be an overnice caution. They were afraid of enemies, of diſaffected perſons, of cabals, and plots: never were there ſuch timid wretches. Their former experience ſhould have given them more confidence. The general Council was the ſafety of the ſtate in thoſe perilous times, as we ſhall ſhew by and by, and their reſolutions were always wiſe and ſpirited. They ſupported theſe aſſemblies, contrary to the fundamental laws of the conſtitution, of which they are the firmeſt protection. They are ſaid to be contrary to the edicts, and are eſtabliſhed by the edicts. They are cenſured as innovations, and are as ancient as the Republick itſelf.

itſelf. There is not a ſingle line in the preamble, which is not either falſe or abſurd; and it is owing to that curious explanation that the repeal of the edict paſſed, without any previous publick notice, to inſtruct the members with regard to the propoſition that was to be made, and without giving them time to deliberate among themſelves, or even to reflect on the ſubject, and that at a time when the burgeſſes, ignorant of the hiſtory of their own government, ſuffered every kind of impoſition from the ruling magiſtrate.

But there is a cauſe of nullity ſtill more ſolid, which is the violation of the edict in one of its moſt important articles, that is, with reſpect to decyphering the billets, or ſumming up the votes; for in the fourth article of the edict of 1707, it is ordered that four Secretaries *ad actum* ſhall be appointed to gather the votes; two choſen from the Council of Two-hundred, and two from the body of the people, who ſhall be elected on the ſpot by the firſt Syndic, and take the oaths immediately in the church. Yet in the General Council of 1712, without paying any regard to the former edict, they cauſed the ſuffrages to be collected by the two Secretaries of State. What could that change proceed from, and why that illegal management, in ſo important a point; as if they acted ſo, on purpoſe to have the pleaſure of breaking the law they had juſt eſtabliſhed? They began with violating in one point, the edict they would diſannul in another. Was this a regular proceeding? If, as it is expreſſed in the edict of repeal, "the opinion of the Council

Council was *almoſt unanimouſly* * approved of, whence was the conſternation viſible in the faces of the citizens, in coming out of the Council, while the magiſtrates teſtified an air of the utmoſt ſatisfaction and triumph ‡ ? Are theſe different aſpects natural to perſons who are unanimouſly joined in the ſame opinion ?

Now to gain their purpoſe, with reſpect to the edict of revocation, they employed terror,

* By the method which I am told was followed, this unanimity was not difficult to obtain, and it was in the power of theſe Gentlemen themſelves to render it complete.

Before the aſſembly, Meſtrezat, Secretary of State, ſaid, *Let them come*; *I have them*. He employed, it is ſaid, for this purpoſe, two words, *Approbation* and *Rejection*, which have ever ſince continued in uſe; ſo that which ever ſide was taken, it came to the ſame point. For if the billet of approbation were choſen, the opinion of the Councils, which rejected the periodical aſſembly, was approved; if that of rejection, then the periodical aſſembly was rejected of courſe. I do not invent the fact, nor do I relate it without authority, as I deſire the reader to believe; but I am indebted to truth to declare, that I did not receive it from Geneva; and muſt in juſtice own, that I do not myſelf believe it to be true. I only know, that in ſuch a caſe the equivocation muſt occaſion many of the voters to be at a loſs which word to chooſe to expreſs their intention: and I alſo acknowledge, that I cannot aſſign any honeſt motive or lawful excuſe for the infringement of the law in the gathering of the votes. Nothing is a ſtronger proof of the terror the people were in, than the ſilence with which they beheld this irregularity.

‡ They ſaid among themſelves as they went out, and the words were heard by many, *we have made a great day's-work*. Two days after, a number of the citizens complained that they had been deceived, as they never meant to reject the general aſſembly, but only the opinion of the Councils; but they were laughed at.

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ſurprize, and, I doubt not, fraud; and certainly tranſgreſſed the law, by making uſe of ſuch unjuſtifiable methods. Are theſe the practices of men, who are governed by a ſacred law, as they affect to call it?

But let us ſuppoſe, that the repeal of this edict was according to law, and that they had not broken the conditions, which import, that no alteration of the edict ſhall be valid, till it meets with the approbation of the Sovereign Council. What other effect can it produce, than that of reſtoring the ancient uſage, practiſed before the eſtabliſhment of the edict, and conſequently the right, of which the burgeſſes were poſſeſſed? When a power, which was once legal, has been revoked, are not matters in the ſame ſtate as before the delegation, or appointment of that power?

We muſt admit, that theſe general periodical Councils had but one inconvenience, but that was of a dreadful nature; I mean, its abſolute compulſory power, of obliging the magiſtrates, and all orders of the ſtate, to contain themſelves within the bounds of their duty, as preſcribed by the laws. This alone is a convincing reaſon, why theſe terrifick aſſemblies will never be re-eſtabliſhed, any more than the right of the burgeſſes of convoking themſelves by companies. But that is not to our preſent purpoſe. I examine not here what

* Theſe conditions declare, that *no change in the edict ſhall be valid, till it has been approved of in the Sovereign Council.* It remains, then, to be determined, whether an infraction of the edict is not a change of the edict.

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ought, or ought not to be done, what they will or will not do. Thoſe expedients I mention as poſſible and eaſily executed, being drawn from your own conſtitution, are no longer conformable to the new edict, and cannot be adopted without the approbation of the Councils, in which aſſuredly they will not be propoſed: But taking the ſuppoſition of the author of the Letters for granted, I obviate his trivial objections; I ſhew, that he ſeeks obſtacles where there are none, except in the reluctance of the Council; and that many methods might be uſed, if they pleaſed to remove theſe pretended obſtacles, without in the leaſt altering the conſtitution, or without riſquing the publick tranquillity.

But that I may enter more minutely into the merits of the queſtion, I ſhall take the laſt edict for my guide, and you will not perceive a ſingle real difficulty, with regard to the neceſſary effect of the right of making remonſtrances.

In the firſt place, that difficulty which ſeems to ariſe, concerning the limitation of the number of remonſtrants, is ridiculous from the edict itſelf, which ſpecifies no particular number, and gives not leſs validity to the remonſtrance of one, than to that of an hundred.

Secondly, That of giving individuals the right of aſſembling the General Council, is alſo frivolous, becauſe that power, whether it be dangerous or not, has nothing to do with the effect of making remonſtrances. As there are two annual Councils held on the ſubject of elections, there would be no neceſſity for an extraordinary aſſembly for that purpoſe. It is enough

enough if the remonſtrance, which has been examined by the inferior Councils, be laid before the next general Council, as ought to be the practice *. The ſeſſion need not be one hour the longer on that account, as every body is ſatisfied of, who knows the order obſerved in theſe aſſemblies. They need only take care that the queſtion paſſes the votes, or is balloted for, before the buſineſs of elections comes on; for if they ſhould wait till the election is over, the Syndics will immediately diſſolve the aſſembly, as was done in 1735.

Thirdly, That difficulty which ariſes from multiplying general Councils, has no more weight than the former; and ſuppoſing it had, what dangerous effects can it produce? For my part, I cannot ſee any.

It is enough to make one ſhudder on reading the enumeration of theſe imaginary dangers, in the Letters written from the Country, in the edict of 1712, and in the Speech of M. Chouet. But to come to the proofs. The laſt mentioned ſays, that the tranquillity of the ſtate was never ſo well ſettled as when theſe aſſemblies were leſs frequent. Here is an inverſion to be rectified; he ſhould have ſaid, that theſe aſſemblies became leſs frequent when the Republick enjoyed more tranquillity. Read, Sir, the annals of your city, in the ſixteenth century. How it ſhook off the twofold yoke, that ſo miſerably op-

* I have before diſtinguiſhed the caſes wherein they are to be carried to the General Council, and where not neceſſary.

preſſed

preſſed it? How ſtifled the factions by which it was torn? How reſiſted its rapacious neighbours, whoſe aſſiſtance was but a pretext for covering their deſigns of reducing it to their obedience? How has the evangelical and political liberty been eſtabliſhed in its boſom? How has its conſtitution arrived at that degree of firmneſs it enjoys? How did it mould its ſyſtem of government? The hiſtory of thoſe memorable times is a continuation of prodigies. Tyranny, neighbours, enemies, friends, ſubjects, citizens, war, plague, famine, all conſpired the ruin of this unhappy city. One can hardly conceive how a ſtate juſt formed could poſſibly eſcape ſo many dangers. But Geneva not only eſcaped thoſe dangers, but finiſhed the important work of its eſtabliſhment, in the midſt of thoſe critical times. It was by frequently holding their general Councils *, it was by the uniform prudence and ſteadineſs of the citizens, that all perils were ſurmounted, all difficulties removed, and that city reſtored to good order, freedom, and tranquillity, which before was the ſeat of faction and ſlavery. It was after every thing was ſettled within, that they found themſelves

* As theſe were called in all difficult caſes, as they were termed by the edicts, and as theſe difficult caſes often returned in thoſe tempeſtuous times, the General Council was then convoked more frequently than the Council of Two-hundred is now. We may judge from one epocha. During the firſt eight months of the year 1540 eighteen General Councils were held, and yet this year had nothing more extraordinary than thoſe which preceded and followed it.

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in a condition of gloriously carrying on the war without. The sovereign Council had then compleated its work, it was incumbent on the government to do its part: the Genevans had but to defend the liberty they had just established, and to shew themselves as good soldiers in the field, as they were worthy citizens in the Council: and this they actually performed. Your annals every where speak in praise of general Councils; your Magistracy can find nothing in them but terrible evils. They raise objections but history removes them.

Fourthly, The difficulty of being exposed to the insurrections of the people, when they have arrived at a great degree of power, is obviated in the same manner, and I know no better answer to this sophistry, than by appealing to a constant succession of facts. All the resolutions of the General Councils were as full of wisdom as intrepidity; never were they insolent in power, or mean-spirited in adversity. They have sometimes sworn to die for their country; but I challenge any person to mention a single man, even of those most influenced by the people, who by any act of precipitation offended the neighbouring powers, or ever basely cringed or bowed the knee before them. But I would not venture to say as much for all who are influenced by the little Council. But let that pass. When any new resolutions are to be taken, the proposition should come from the inferior Councils, and it is the province of the General Council to approve or reject them. Its power extends no farther. This being admitted

mitted on all ſides, the force of this objection falls to the ground.

Fifthly, The difficulty ſaid to ariſe from throwing the laws into doubt and obſcurity, had no better foundation, as the queſtion here is not of ſuch a looſe and general interpretation of them, as may admit of ſubtil diſtinctions, but a true and ingenuous application of a fact to the expreſs words of the law. The Magiſtrate may have his reaſons for finding obſcurity where the law is plain, but its clearneſs is by no means affected on that account. But theſe gentlemen falſified the queſtion. To point out from the letter of the law in what inſtance it has been violated, is not to propoſe doubts with regard to the law itſelf. If there ſhould be a ſingle expreſſion which might be interpreted in favour of a fact, the Council in their anſwer will not fail to eſtabliſh it in that ſenſe. The remonſtrance then loſes its credit, and, if proceedings are carried farther, it infallibly falls to the deciſion of the General Council; for the intereſt of the whole is too great, too much preſent, and too ſenſibly felt, eſpecially in a trading town, for the generality of the people ever to think of ſhaking the authority of the Legiſlature and Government, by pronouncing that a law has been tranſgreſſed, when there may be a poſſibility of the contrary.

It is the buſineſs of the Legiſlature, or compilers of the laws, to ſee that there be nothing equivocal in their meaning: when there is room to take a law in a double ſenſe, the equity of the Magiſtrate muſt fix the meaning for

for all future practice; when the law may be taken in more senses than one, he makes use of his privilege in judging as he shall think proper; but that liberty doth not extend so far as to change the literal meaning, and extract another sense, which in reality it has not. If that were to be the case, all law would be at an end. The question here proposed is so clear, that it is easy for a person of good sense to give an answer, and that good sense is certainly to be found in the general Council. So far are they from being the occasion of endless disputes, that, on the contrary, they prevent them. And the edicts being secured from the danger of such false or arbitrary interpretations, as interest or passion might suggest, one is sure of having the legal and genuine sense, and individuals are no longer in doubt of the interpretation given by the Magistrate. Does it not appear very evident, that the difficulties in question would no longer exist, if this method had been taken for their solution?

Sixthly, The difficulty of submitting the Councils to the orders of the citizens, is absurd. It is very true, that remonstrances are not orders, no more than the request of a person who demands justice can be called an order. But the Magistrate is as much obliged to render the petitioner the justice he demands, as the Council are, whose business it properly is, to redress the complaints of the burghers and citizens, brought before them in the remonstrances. Although the Magistrates are superior to private persons, yet that superiority should be no impediment to paying that to

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their inferiors, which is their due; and the reſpectful terms uſed by the latter, in demanding their right, do not deprive them of the ſmalleſt particle of it. A remonſtrance is then, if you pleaſe, an order given to the Council, in as much as it is directed to the firſt Syndic, to whom it is preſented to be communicated to the Council; which he is obliged to do whether he approves of the remonſtrance, or not.

Beſides, when the Council takes advantage of the uſe of the word Remonſtrance, which imports inferiority, and that is a matter nobody diſputes, they forget, at the ſame time, that the word mentioned in the rule is not inſerted in the edict to which it refers, but the very word Remonſtrants, which conveys quite another meaning; to which may be added, the difference between Remonſtrances from the body of the Magiſtracy to their Sovereign, and thoſe which are preſented on the part of ſovereign Members of the Legiſlature to a body of Magiſtracy. You will ſay, I am in the wrong to anſwer ſuch an objection, but I find it of more conſequence than all the reſt together.

Seventhly and laſtly, The difficulty under which the conſtitution labours, when a man of conſequence conteſts the meaning or application of the law, by which he is condemned, and who ſeduces the publick in his favour, is really ſuch as I ſhall not pretend to give a name to. Pray, who ever knew the burgeſſes of Geneva to be a people ſo ſervilely complaiſant, ſo meanly imitative of the manners or maxims of others, ſo ſtupid, ſuch enemies to the laws, and ſo ready to take fire for the intereſts of others?

others? Certainly each perſon muſt have ſeen his own intereſt mixed with that of the publick, before he could have reſolved to meddle with its affairs.

Fraud and injuſtice often meet protection, but never from the publick. In this inſtance the voice of the people is the voice of God. But unfortunately this ſacred voice is never heard in oppoſition to power, and the complaints of oppreſſed innocence diſſipate into feeble murmurs, quite deſpicable in the ears of tyranny. Whatever is done by intrigue and bribery always relates to ſome advantages of thoſe who govern; it cannot be otherwiſe. Cunning, prejudice, intereſt, fear, hope, vanity, ſpecious appearances, an air of decency and ſubordination; all theſe are for men of parts, in authority, and practiſed in the arts of abuſing mankind. When addreſs is oppoſed to addreſs, or intereſt to intereſt, what prodigious advantages have the principal families in a ſmall town, always caballing to have the command over friends, clients, creatures; and this joined to the whole power of the Councils, in order to ruin ſuch individuals as dare conteſt with them. Look round you, at this very time, and you will find that though ſupported by the laws, equity, truth, evidence, the common intereſt, the care taken of private ſafety, in ſhort, whatever can engage the multitude, are ſcarce ſufficient to protect eminent citizens, who exclaim againſt the moſt open violence and injuſtice; and it is obſerved, that among a ſenſible people the intereſt of an inſignificant meddler engages more partiſans than that of the ſtate.

ſtate. I know nothing either of your burgeſſes or leading men, if any perſon was ever to make an impertinent or ill grounded remonſtrance: this at leaſt has not happened, as far as I can tell; the author, if he be not contemptible, muſt be abandoned.

Can it be neceſſary to refute objections of this kind, in ſpeaking to a Genevan? Is there a ſingle perſon in your whole city who is inſenſible of the want of probity of which I have complained; and can one ſeriouſly put the conſtant uſage of a ſacred, fundamental, and legal right, in competition with imaginary inconveniences, which nobody knows better than the perſons themſelves, who raiſed the objections? Whilſt, on the contrary, the violation of this right opens a door to the moſt deteſtable Oligarchy; as we have ſeen it attempted, without any pretext whatever, againſt the liberty of the citizens, and arrogantly claims the power of ſending them to priſon on every occaſion, without any kind of formality, contrary to the tenor of the moſt poſitive laws, and without paying any regard to their proteſts and remonſtrances.

The explanation given to theſe laws is ſtill more inſulting than the tyranny exerciſed in their name. How do they ſatisfy you? It is not enough you ſhould be uſed like ſlaves, but you muſt be treated as children. Good God! how can they doubt of what is ſo clearly evident! and what animoſities have been raiſed on this ſubject? Are not theſe poſitions, Sir, refuted by the bare mention of them? I hope, in making them the concluſion of my

Letter, I shall not take up too much of your time.

A man may be made a prisoner three several ways; first, at the instance of a party, who has entered any suit or action against him; secondly, when he is taken in a notorious fact, of which the public are witnesses; and thirdly, *ex officio*, by the sole authority of the Magistrate, on receiving private intelligence, strong circumstances, or other sufficient reasons.

In the first case, the laws of Geneva ordain, that both the Plaintiff and Defendant be taken into custody; and moreover, that bail or security be given to pay the damages and costs, in case of insolvency in either party. So there is a reasonable security taken on the part of the accuser, or Plaintiff, that the action is not fraudulently commenced.

In the second case the proof is in the fact itself, and the accused is in some measure convicted by his detention. But in the third case, there is neither the security of the first nor the evidence of this second; and it is in the last case only, that the law, supposing the Magistrate to be just, takes such methods, as shall prevent his being deceived.

These are the principles on which the Legislature acts, with respect to these three cases. Now observe the application.

In the case of the civil action, they begin by a regular process, which must be pursued thro' all the judicial forms, and it is treated as a Cause of the first instance. There can be no imprisonment, *if*, as the civil Edict expresses it, *after*

after the hearing of the parties, it has not been so ordered by the Court *. You know that the Tribunal of the Lieutenant of the Police, and his aſſeſſors, called Auditors, form what they term the Court of Juſtice at Geneva. So it is to theſe, and no other Magiſtrates, not even to the Syndics, that a complaint of the like nature ſhould be carried; and it is their province to order the impriſonment of both parties, ſaving the right of appealing to the Syndics, *if*, according to the terms of the Edict, *either party ſhall find himſelf aggrieved by any of the proceedings* †. The three firſt articles of the Title XII. concerning criminal cauſes, evidently refer to that caſe.

In the caſe where one has been caught in the perpetration of a fact, whether it be a crime, or any irregularity puniſhable by the police, it is in the power of any perſon to arreſt the offender; but the executive power reſides in the Magiſtrates, as the Syndics, the Council, the Lieutenant of the Police, or an Auditor, who alone can commit the party. The Counſellors have no ſuch authority, and the priſoner ought to be interrogated within twenty four hours from his arreſt. The five following articles of the ſame Edict are only relative to the ſecond caſe; as appears both from the order preſcribed, and from the name of the criminal being given in at the firſt commencement; for it is only in the caſe of a notorious fact, in

* Edits Civils, tit. xii. art. 1.

† Ibid. Art. 2.

which the offender is caught, where the perſon accuſed can be ſtiled a criminal; in all other caſes he is not deemed ſo before the end of the proceſs. But if they will perſiſt in calling every perſon who is accuſed a criminal, and making them ſynonymous, it follows, by the ſame rule, that innocent and criminal are the ſame.

In the remainder of the twelfth Title there is nothing more ſaid concerning impriſonment; and from the ninth article incluſive, it treats intirely of the procedure and form of giving judgment in every kind of criminal proceſs. It makes not the leaſt mention of impriſonments by the office or ſole authority of the Magiſtrate.

But the edict concerning the Police treats particularly of the duty of the four Syndics. Why ſo? Becauſe that article immediately relates to civil liberty. It is therein expreſſed, that the power exerciſed by the magiſtrate in that reſpect is rather the act of government than of the magiſtracy, and that an inferior tribunal ſhould not be inveſted with ſuch a power. So the edict grants this to the Syndics alone, and not to the Lieutenant of the police, or any other Magiſtrate. Now to prevent the Syndics from being impoſed on, as I before hinted, the edict directs them firſt of all to command thoſe whom it concerns, to *examine*, *interrogate*, and, laſtly, *impriſon the party*, if neceſſity require. I believe the law could do no leſs in a free country to reſtrain a power ſo formidable, and it is neceſſary the citizens ſhould have all reaſonable ſecurity, that when they have done their duty they may reſt ſafely in their beds.

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The following article, of the ſame Title, enters into the caſe of notorious guilt, in which the perpetrator is detected, as the firſt article doth in criminal matters, in the ſame edict concerning the Police. This may appear a repetition; but in the civil edict the affair is conſidered as it relates to the exerciſe of juſtice, and in the political, as it relates to the ſecurity of the citizens. On the other hand, theſe laws, being made at different times, and being the work of men, it cannot be expected there ſhould be no contradiction or abſolute perfection in them. It is ſufficient, if, on reflection, and comparing the whole, we can diſcover the ſpirits of the legiſlator, and the reaſons.

Indulge me with one reflection more.—Theſe rights, ſo judiciouſly combined; theſe rights, claimed by the remonſtrants by virtue of edicts, you have enjoyed under the government of the Biſhops; Neufchâtel enjoyed them under its Princes, and would they diveſt you of them, who are Commonwealth's-men? See the tenth and eleventh articles, and many others, concerning the franchiſes of Geneva, in the act of Ademarus Fabri. This monument of liberty is no leſs to be regarded by the Genevans, than the Magna Charta is by the Engliſh; which is of much greater antiquity; and it would certainly be mighty agreeable to the latter, to hear their great Charter ſpoken of with as much contempt as the author of the Letters has dared to do with reſpect to ours!

He pretends, that it had been abrogated by the conſtitutions of the Republick *. But on the contrary, I very often ſee in your edicts the expreſſions, *as formerly*, which plainly refers to ancient uſage, and conſequently to the rights on which they were founded; and, as if the Biſhop had foreſeen that thoſe who ſhould have protected the liberties of the ſtate, would have been the firſt to invade them, I find he has declared, in the ſame act, that they ſhall continue for ever without being affected by non-uſage or preſcription. You muſt admit this to be a very ſtrange contradiction. The learned Syndic, M. Chouet, ſays, in his Memorial delivered to Lord Townſhend, "That the people of Geneva, by the "reformation, entered into the rights of the "Biſhop, who was both Temporal and Spiri-"tual Lord of the town." The Author of the Letters, on the contrary, affirms, that the ſame people loſt, on that occaſion, "The franchiſes "and immunities granted them by the Biſhop." Which of theſe relations ſhall we believe?

What! loſe the liberties you enjoyed when you were ſubjects, and be ſlaves, now you are rulers? Your Magiſtrates have ſtripped you of all the privileges granted you by your Princes! If your anceſtors have left you no better liberty, you have reaſon to lament the blood they ſpilt on

* This was the ſame reaſoning uſed in 1742, with regard to the treaty of Soleure, made in 1579, by which they maintained it was expired, though it was declared perpetual in the act itſelf, which has never been abrogated by any other, and which has often been renewed, eſpecially in the Act of Mediation.

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that account. That extraordinary act, which, in making you Sovereigns deprives you of your freedom, in my opinion deserves very well to be recorded; and, to make it credible, it cannot be dignified with too great solemnity. Where then is this act of repeal? Certainly to establish a belief of the existence of so strange an instrument, they should begin with shewing it to the publick.

From all that has been said, it may be concluded with certainty, that in no case whatever the laws of Geneva give the Syndics, or any other Magistrate, the power of imprisoning private persons without restriction or limitation. But that signifies nothing. The Council, in their answer to the remonstrances, establish it as a law without reply. They would have it so, and they were immediately put in possession. Such is the advantage of a negative right.

I proposed, in this Letter, to shew, that the right of remonstrating was so intimately connected with your constitution, that it could not possibly be accounted imaginary or delusive, and that it being established in form by the edict of 1707, and confirmed by that of 1738, it must of necessity have an effect: that such effect had not been stipulated by the act of mediation, because it was not expressed in the edict; and the reason was, as well because it naturally resulted from the nature of the constitution, as because the same edict provided for its security in another manner: that this right, and the effect it ought to have, by giving firmness to all the rest, became the only and proper

equivalent to thoſe rights, of which the burgeſſes had been deprived: that this equivalent, being ſufficient to eſtabliſh a proper ballance in the different orders of the ſtate, manifeſted the wiſdom of the regulation, which otherwiſe would have been the moſt iniquitous act we can poſſibly conceive: and laſtly, that the obſtacles raiſed againſt the exerciſe of that right, were either ill-grounded or of no manner of conſequence, which had no exiſtence but in the malice of the propoſers, and which were, by no means, a recompenſe for the dangers attending their aſſumed right to impoſe a negative. This, Sir, is what I have endeavoured to point out, and it is your part to determine how far I have ſucceeded.

LETTER

LETTER THE NINTH.

I THOUGHT it better, Sir, to eſtabliſh the truth of what I had to offer, than to ſpend my time in long confutations of the arguments made uſe of by my adverſaries. To enter into a tedious examination of the Letters from the Country, would be launching into a ſea of ſophiſtry. In my opinion, a bare diſcovery of their contents would be ſufficient to refute them; but they float in ſuch deep water, and are ſo far ſunk, that one runs a riſque of being drowned, in attempting to bring them on ſhore.

As I proceed in my work, I cannot avoid caſting an eye on that of this author; and without analyzing thoſe political ſubtilties with which he endeavours to captivate the underſtanding, I ſhall content myſelf with examining into his principles, and with pointing out ſome inſtances, wherein the fallacy of his reaſoning will appear.

You have before ſeen their futility with reſpect to me: with reſpect to the commonwealth they may ſeem more alluring, but are by no means the more ſolid on that account. The true deſign of thoſe Letters is to eſtabliſh the pretended negative right, in the fullneſs of that power it has received from the uſurpations of the Council. Every argument they advance tends only to that purpoſe; either in a direct manner, by introducing a ſeries of connections; or indirectly, by

impoſing on the publick as to the real ſtate of the queſtion.

The imputations that have any reference to me, are laid in a direct manner. The Council has condemned me contrary to law. Remonſtrances are immediately offered in my favour. To eſtabliſh their negative right, they muſt firſt invalidate theſe remonſtrances; to invalidate them, they muſt prove them ill-grounded: and to prove them ill-grounded, they muſt ſhew that I am guilty; but guilty only in ſo minute a point, that they muſt have ſtretched the law before they could have puniſhed my crime.

How would theſe men have trembled at their firſt act of injuſtice, if they had foreſeen the ſad neceſſity they laid themſelves under of repeating it, that they muſt continue villains all their lives for having been ſo for an inſtant, and that they muſt perſecute, even to death, the wretch they have once perſecuted!

The queſtion, whether the Syndics have a right to preſide in the Criminal Courts, is treated by this author in an indirect manner, by a ſtroke of addreſs. Do you believe that the Council give themſelves any concern, in reality, whether the Syndics or the Counſellors are Preſidents, when they have taken care to eſtabliſh the rights of the former, throughout all the orders of the ſtate? The Syndics, I have ſaid, being elected from the whole body of the people *, and having

* So much care was taken to prevent any excluſion or preference in the choice but in caſe of merit, that by an edict which has been abrogated, two Syndics were to be taken from the upper part of the town, and two from the lower.

no ſuperiority over the other magiſtrates, except in the Council, from being their Chiefs become their collegues on all other occaſions; and you may plainly ſee, that your Syndics have no great reaſon for being jealous of an authority ſo tranſitory, as they find themſelves to be but mere Counſellors in effect. But the Letter-writer has the art of handling this as a queſtion of importance, in order to evade what is really ſo, to make you believe that your chief magiſtrates are always elected by you, and that their power is, in all caſes, the ſame.

Let us quit, therefore, theſe needleſs queſtions, which the author had no great opinion of, from his manner of treating them, and be ſatisfied with examining the reaſons he alledges in ſupport of the negative right, to which he is principally attached, and on the admiſſion or excluſion of which you are either free men or ſlaves.

He dextrouſly reduces a ſyſtem to general rules, the weakneſs of which would be eaſily ſeen if he was to make an application always to particulars. To lead you from the main point, he flatters your vanity, by extending your proſpect to matters of moment; and whilſt he treats them in a way above the comprehenſion of thoſe he would ſeduce, he artfully gains their approbation, by ſeeming to conſider them as ſtateſmen. Thus he dazzles the people that he may the ſooner blind them; changing common affairs, which require only good ſenſe, into philoſophical theſes, that demand the moſt intenſe ſpeculation; ſo that finding themſelves incapable of either contradicting or underſtanding him, they dare not diſpute, but acquieſce in his arguments.

To imitate his abſtracted ſophiſtry, would be falling into the ſame error with which I upbraid him. On the contrary, by the manner I treat theſe queſtions, I am certain of gaining my point, without the danger of being in the wrong: for he lays down ſo many firſt principles in his propoſitions, you can ſee them under ſo many forms, that there is always, on one ſide or other, an aſpect as favourable as he could wiſh. When one writes politicks for all mankind at large, there is room to play the philoſopher as much as one pleaſes. The author, unwilling to be read, and expoſed to the criticiſm of any perſons but thoſe who have an univerſal knowledge, and are converſant in the ſubject he treats of, falls into abſtractions and general terms, without fear. He never lays any ſtreſs on particulars, however neceſſary. If I was writing for you only, I might uſe the ſame method; but the ſubject of theſe Letters concerns the publick in general, conſiſting, for the moſt part, of men, who have more of judgment and good ſenſe, than of ſtudy and learning; and being ignorant of the jargon of the ſchools, are the moſt proper to catch at truth, unadorned with any thing but its native ſimplicity. We ſhould in that caſe diſtinguiſh between the intereſt of the author and that of his readers; and he that would be more uſeful, muſt reſolve to be leſs florid.

Another ſource of error and falſe application, is having notions of that negative right too looſe and indeterminate; producing examples as proofs, that have little relation to the ſubject, and turning the minds of your fellow-citizens from their proper object, by the ſplendor of thoſe that are preſented

preſented to their imagination; exalting their pride above their reaſon, and telling them for their comfort, that they are not more ſlaves than the maſters of the univerſe. They fathom the dark abyſs of time; they lead you, in a haughty manner, to range through the uncertain mazes of antiquity; they oſtentatiouſly lay before you Athens, Sparta, Rome, Carthage; and they throw the ſand of Libya in your eyes, to prevent you from ſeeing what paſſes in your own neighbourhood.

Let them determine exactly, as I have endeavoured to do, what this negative right is, ſuch as the Council pretends to exerciſe; and I inſiſt that there never was a government wherein the legiſlative, enſlaved by the executive power, had the misfortune to ſee the laws, when reſigned to its mercy, explained, eluded, and tranſgreſſed at pleaſure, without being able to oppoſe that inſolent abuſe by any other means than uſeleſs murmurs and unavailing complaints.

You ſee how far your anonymous author is obliged to alter the nature of his queſtion, that he may bring in his ſimilitudes with leſs impropriety.

He ſays, in page 110. *The negative right not being qualified with the power of making laws, but only with that of preventing every perſon whatſoever from diſturbing the legiſlative power, and not admitting innovations, but by its authority oppoſing all innovations, anſwers exactly the great end propoſed by a political ſociety, which is, to preſerve itſelf in preſerving the conſtitution.*

This is a reaſonable negative right, and in the ſenſe it is mentioned is in fact ſo eſſential a

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part of a democratical conſtitution, that, in general it would be impoſſible it could be ſupported, if the legiſlative power were always liable to interruption by any of its members. You know inſtances may eaſily be had to confirm a principle ſo very evident.

But if this idea is not adequate to the negative right we are ſpeaking of, if the whole paſſage affords not a word which is not a falſhood, by the application the author would make, you will admit that the proofs of the advantage of a negative right, of a nature intirely different, are not at all concluſive in favour of that he endeavours to eſtabliſh.

The negative right exerts no power in making laws. That is true: but it has a power of approving or rejecting whatever is propoſed to be enacted. And it is more convenient to have the power of erecting every act of its will into a particular law, than to be obliged to obſerve general laws, even where one had himſelf been their author. *But to prevent any perſon whatſoever from diſturbing the legiſlative authority.* He ought rather to ſay, *But to prevent any perſon whatſoever from protecting the laws againſt the power that would trample them under foot.*

And not admitting of innovations, but, &c.... Why not? Who can oppoſe an innovator, who is armed with force, and who is not obliged to be accountable for his conduct? *But by its authority oppoſing all innovations.* We had better ſay, *The power that prevents oppoſing innovations.*

Here is the moſt cunning ſophiſtry, and what recurs frequently in the piece I now examine. He that is poſſeſſed of the executive power, has no

no neceſſity of innovating, by the commiſſion of glaring acts. He has no occaſion for confirming that innovation by any ſolemnity. It is enough if, in the conſtant exerciſe of his power, he has the addreſs to make every thing bend and conform to his will, which never produces any violent ſenſation.

Thoſe, on the contrary, who are quickſighted, and have a judgment ſufficiently penetrating to remark that progreſs and prevent the conſequence, have their choice of two methods, either to oppoſe the firſt innovation, which is but a trifle, and then they are repreſented as turbulent people, ſeeking to embroil their fellow citizens and always prepared for an occaſion of quarrelling; or to make head againſt an abuſe which gains ſtrength, and then they are charged themſelves with being innovators. I doubt, though your Magiſtrates were the aggreſſors, whether you could avoid either of theſe reproaches if you gave them any oppoſition. But I would adviſe you to give a preference to the firſt. Every time the Council makes a change in any eſtabliſhed cuſtom, it is with a view which no body ſees, and which it takes care to hide. In this doubtful matter, oppoſe every novelty that is introduced, great or ſmall. If the Syndics always uſed themſelves to enter the Council with their right foot, and afterwards chuſe the left, I ſay they ſhould be prevented.

We are here furniſhed with a ſenſible proof of the eaſe in concluding for and againſt, by the method our Author purſues: if you apply to the remonſtrance of the citizens what he makes applicable to the negative right of the Councils,

cils, you will perceive that his general propoſition ſuits better to your own application than to him. *The right of remonſtrating*, you will ſay, *not being a legiſlative right, but only that of preventing the power that ſhould execute the laws from tranſgreſſing them, and not conferring an authority of innovation, but of oppoſing all novelties whatever, is productive of the great end of a political ſociety, that of preſerving itſelf in taking care of its conſtitution.* Is not that exactly what the Remonſtrants ſaid for themſelves; and may not we imagine the Author uſed this argument in their favour? Words ought never to deceive us with reſpect to ideas; the pretended negative right of the Council is, in fact, a poſitive right, and one of the moſt poſitive we can conceive, as it gives the petty Council an abſolute authority over the ſtate and laws; and the right of remonſtrating is, in its ſtrict and proper ſenſe, but a negative right, as it only conſiſts in preventing the executive power from exerciſing any authority contrary to law.

Let us take a view of the deſign of this Author in the propoſition he lays down. By the addition of three words he would have exactly deſcribed your preſent ſtate.

As liberty can never exiſt in any ſtate where that part of the conſtitution, which is intruſted with the executive power, ſhall have the privilege of altering them to its fancy, becauſe in that caſe it may execute, as laws, the moſt violent and tyrannical purpoſes.

Here is a lively repreſentation drawn from nature, I am going to exhibit a mere picture of fancy that you may perceive the contraſt.

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There was never any government in a ſtate where the people exerciſed the legiſlative power without ſome regulation. Very well; but who ever ſaid the people ſhould exerciſe ſuch a power without a proper reſtriction?

The Author, therefore, having laid down a negative right, of a different nature from that which is the ſubject of our queſtion, ſeems very anxious to know where that other negative right ſhould be placed; which is foreign to the purpoſe, and of which I have made no mention, and eſtabliſhes thereon a principle, which I ſhall not certainly diſpute; that is, *if that negative power can be placed in the government without inconveniency, it ought, from the nature of things, to reſide in the legiſlative body.* Then follow examples, to which I ſhall pay little attention, as they are not at all relative to, but intirely different from, the point in queſtion.

The only inſtance he has offered that has any colour of veriſimilitude, is that of England, which is undoubtedly a good model of the proper ballance of power in the reſpective orders that conſtitute the government in that kingdom; I ſhall take a view of this, and only, in imitation of my Author, uſe the liberty of comparing ſmall things with great.

Notwithſtanding the royal prerogative, which is very extenſive, yet they are not afraid of truſting the King with this negative right; but as it cannot be ſeparated from the legiſlative power but for a ſhort ſpace of time, and a rupture with the legiſlature being abſolutely oppoſite to his intereſt, this negative voice is, in effect, but a means of reſtraining the legiſlative body, and keeping it within its due bounds;

bounds; and the Prince, content with the exercise of an extensive power, which the constitution secures, will always find his interest in its preservation.*

This is, in every respect, however, quite distinct from our case; for as the King of England is invested by the laws with so great an authority, in order to protect them, and has no power whatever of infringing them, he can compel nobody to obey his orders, every man will be more afraid of breaking the laws than the King's commands. Even his Ministers may lose their lives if they should disoblige the Parliament, who are the proper judges of their conduct. Every Englishman has the shelter of the laws, under which he may defy the regal power; and the lowest of the people may claim the most ample reparation, if they are in the least instance offended. Suppose the King should dare to transgress the law in the slightest manner, the breach would be immediately repaired; as he is without right, so he would find himself without the power of maintaining such an infraction.

In your constitution the petty Council is absolute in all respects: it is Minister and Prince, Party and Judge at the same time: it gives orders, and executes them: it cites, it seizes, judges, and punishes from its own authority: it has force at command to make its orders be obeyed: the persons it employs are not accountable for what they do, neither with regard to their own conduct, nor to that of the Council: it has nothing to fear from the legislature, which alone has a right of enquiry, and to which it

* Page 117.

will

will never be its own accuſer: it is never obliged to repair its injuries; and all that the moſt innocent perſon whom it oppreſſes can hope for, is to come off ſafe and ſound, but without ſatisfaction or indemnity.

You may form a judgment of the difference between both conſtitutions, by the conſideration of ſome recent facts. There was a work printed at London, containing the moſt ſatyrical invectives againſt the miniſters, the government, and even againſt the King himſelf. The printers were taken up; that arreſt was contrary to law, the publick began to murmur, and there was a neceſſity of releaſing them. But the matter did not end there; the printers called the magiſtracy to an account in their turn, and recovered prodigious damages and coſts. Let us compare this with the caſe of Bardin, a bookſeller at Geneva, to which I ſhall ſpeak preſently. Another inſtance was of a robbery committed in the city; a citizen is impriſoned without the leaſt proof, on an idle ſuſpicion, againſt law; his houſe is ſearched, and no indignity ſpared that could be offered to a malefactor; his innocence at laſt appears; he is releaſed; he complains, without any redreſs, and all is over.

Suppoſe that at London I had the misfortune of diſpleaſing the Court, and that, contrary to reaſon and juſtice, it had ſeized a book of mine, as a pretext to burn it, and condemn the author. I need only petition the Parliament, as being proſecuted contrary to law, and on proving my caſe, I ſhould obtain the moſt publick reparation, and the Judge would certainly be puniſhed,

puniſhed, and perhaps be turned out of his employment.

Let us now imagine Mr. Wilkes at Geneva, talking, writing, printing, and publiſhing the fourth part of what he wrote and publiſhed at London, againſt the petty Council. I will not ſay poſitively they would put him to death, though I am of that opinion; but it is certain he would be ſeized inſtantly, and ſuffer a moſt grievous puniſhment, in a very ſhort time *.

You will ſay, Mr. Wilkes was a member of the legiſlative body in his own country. And pray, was I not the ſame in mine? It is true, the author of the Letters pays no regard to the quality of citizen. *The rules of the procedure*, ſays he, *ſhould be the ſame with reſpect to all men; they flow not from any right in the city, but from the laws of humanity* †.

Happily for you, the fact is not ſo ‡; and as to the maxim, it conceals, under very fine

* The law being found inſufficient to puniſh Mr. Wilkes, for his political writings, it was neceſſary to uſe other methods, and accordingly they made uſe of Religion, as a pretext for carrying on a farther proſecution.

† Page 54.

‡ The right of favour, in certain caſes, belongs only to citizens and burghers, by virtue of the edict; but by their mediation it was extended to natives and inhabitants, who being engaged in the ſame common cauſe, had need of the ſame precautions for their ſecurity: ſtrangers are excluded. They are alſo ſenſible, that the aſſiſtance of four relations, or friends, as a prevention in a criminal proceſs, is not of any great uſe to the latter; it is owing to theſe that the magiſtrate has intereſt ſufficient to deſtroy, and to whom the law gives their natural enemy, as a judge. It is even ſurprizing,

words, a moſt execrable ſophiſm. The intereſt of the magiſtrate, which in your ſtate is often oppoſite to that of the citizen, but never in the caſe of a ſtranger, requires very great caution, leſt the accuſed be unjuſtly condemned. This diſtinction is verified by facts. There is not, perhaps, a ſingle inſtance where a ſtranger has been puniſhed with injuſtice, ſince the commencement of the Republick: And how many acts of atrocious violence againſt the citizens will be found in your annals? It is true, that the neceſſary precautions for their ſecurity, may extend, without inconvenience, to all acts of prevention; as their intent is not to ſave the guilty, but to protect the innocent: for that reaſon, the thirtieth article of the Regulation makes no exception of perſons, though it is of no great advantage to the Genevans, as things are managed.

ſurprizing, that, after ſo many dreadful inſtances, the citizens, have not taken more care of their own ſafety, as to leave the whole affair relating to criminal matters at large, without being guarded by edicts or laws, and almoſt reſigned to the diſcretionary power of the Council. But there is one good act, for which the Genevans, and all juſt men, ſhould be thankful to the Mediators, and that is, the abolition of the Queſtion, or Torture, *in præparatorio*. I have had always a malicious ſmile, when I ſee ſo many fine books wrote in compliment to European humanity, in thoſe very countries where mens limbs are broken and diſjointed for amuſement, while they wait to ſee whether they are guilty, or not. I have always regarded the Torture, as a means employed by thoſe in power, to lay on the weak the imputation of crimes which they have a mind to puniſh.

But

But to return to our compariſon of the negative right, as it exiſts among you, with that exerciſed in England. That of the King of England conſiſts of two parts, viz. the ſole power of convoking or diſſolving the legiſlative body, and that of rejecting the laws it propoſes: But it conſiſts not in preventing the legiſlative power from knowing and rectifying thoſe infractions it might make with reſpect to the laws themſelves.

On the other hand, that negative right is well qualified by the triennial law*, which obliges them to call a new Parliament at a certain time limited; and moreover, by an inherent neceſſity, whereby it is almoſt always aſſembled †: and laſtly, by the negative right of the Houſe of Commons, which is not a jot leſs powerful than its own.

It is qualified by the authority which each Houſe has over itſelf, being aſſembled, whether in propoſing, diſcuſſing, or examining into the laws, and all matters relating to government; or whether by that branch of the executive power that is lodged in them, jointly and ſeverally, as well in the Houſe of Commons, which takes cognizance of publick grievances and all attempts againſt the laws, as in the Houſe of Lords, who are ſupreme judges in criminal affairs, and chiefly ſuch as are offences againſt the ſtate.

* Now ſeptennial, by a fault, the Engliſh will ever have cauſe to repent.

† As the Parliament grants the ſubſidies but for one year, the King is obliged to demand them every year, of his Parliament.

Such,

Such, Sir, is the negative right exercised by the King of England; and if your Magistrates claim no other, I advise you not to dispute with them about it. But I cannot see, in your situation, what business they have with a legislative power, nor what can oblige them to assemble it, for any useful purpose, in any case whatever; since new laws are unnecessary for gentlemen who place themselves above all law. A government which subsists by its own revenues, and is not engaged in war, has no need of fresh taxes, and which, by investing the whole body with that power, of which the principals are deprived, renders the choice of those principals a matter of indifference.

I do not see what restraint could be laid on them by the legislature, which exists but for a moment, and are incapable of determining any point, but that on which they are consulted.

It is true, the King of England has the power of making peace and war; but as that power is rather imaginary than real, at least as far as concerns war, I have pointed out already, in the Social Contract, that such is not the affair wherein you are engaged, and that you must absolutely renounce all honorary rights, when the enjoyment of liberty is the question. I admit, that the King can confer, and take away all employments, as shall be most agreeable to his views, and corrupt the legislature, by degrees. That is exactly the point which turns the scale, to the advantage of the Council, who have little occasion for such methods, and who enslave you at a cheaper rate. Corruption is an abuse of liberty, but it proves the existence of liberty; for

for it is uſeleſs to corrupt thoſe who are already in our power, and whom we can employ in what buſineſs we pleaſe. As to places, without mentioning thoſe which are diſpoſed of, either by the Council, or by that of the Two-hundred, it is much to the advantage of men of the greateſt conſequence amongſt themſelves, they are filled up, but of one's own body, which is ſtill more for their intereſt; for one is always ſurer of what is done by their own hands, than of that which we intruſt to the care of others. The Engliſh hiſtory abounds with proofs of the reſiſtance made by the Officers of the Crown againſt their Princes, whenever they were inclined to tranſgreſs the laws. See if you can find inſtances of ſuch reſiſtance againſt the Council, made by the Officers of the State, even on the moſt deteſtable occaſions? Whoever is in the pay of the Republick, is no longer a citizen of Geneva. He is but a ſlave, and a follower of the Twenty-five, ready to trample under foot his country and the laws, whenever they ſhall command him. So that the law of England, which takes from the King all power of doing hurt, inveſts him with a very great one of doing good. But it doth not appear to be on this account that the Council are ſo very jealous of extending theirs.

The Kings of England, aſſured of their own extenſive privileges, find it their intereſt to preſerve the conſtitution, becauſe they deſpair of any alteration. Your Magiſtrates, on the contrary, ſure of making the forms of your conſtitution ſubſervient to their ends of changing it entirely, are intereſted in preſerving theſe forms,

as the inſtruments of their uſurpation. They have now arrived at their *ne plus ultra* of encroachment on the liberties of their country, by the dangerous ſtep they have taken. They might very well ſay, they were more intereſted in preſerving the conſtitution, than the King of England, but through a motive widely different. Behold the parallel I have drawn between the conſtitutions of the two countries, and this is all the ſimilitude I can find in the compariſon of their reſpective governments. I leave you to judge to which ſide the ballance of liberty inclines, after this compariſon.

The author, who delights in pompous examples, gives us that of ancient Rome. He reproaches, with bitterneſs, her turbulent and ſeditious Tribunes; he deplores the unhappy fate of that city, under their boiſterous adminiſtration; which, however, from being a petty ſtate before the eſtabliſhment of thoſe magiſtrates, experienced five hundred years of glory and proſperous ſucceſs under their government, and became the Capital of the world. At laſt ſhe fell, becauſe every thing that is temporal muſt have an end. Her deſtruction was owing to the uſurpations of the Nobility, the Conſuls, and Generals; who invaded her liberties. She expired through the exceſs of her own greatneſs, which ſhe arrived at only by the perfection of her government. In that ſenſe, it may be ſaid, ſhe was deſtroyed by her Tribunes *.

* The Tribunes never went out of the city, and had no authority without the walls; ſo the Conſuls, the more effectually to draw them from their inſpection of publick affairs, ſometimes held their Aſſem-

Upon the whole, I excuſe not the errors of the Roman people, and I have ſaid the ſame in the Social Compact. I blame them for having uſurped the executive power, of which they were only the guardians *. I have ſhewed on what principles the Tribunate ought to have

blies in the country. Now the fetters of Rome were not forged in the city, but in her armies, and ſhe loſt her liberties by the greatneſs of her victories. That loſs, therefore, proceeded not from the ſeditious intrigues of her Tribunes.

It is true, Ceſar made them ſubſervient to his ambition, and uſed them in the ſame manner as Sylla had done the Senate. Each took the moſt likely methods to obtain his ends. But as ſomebody muſt have ſucceeded, of what importance was it, whether the lot fell to Marius, or Sylla? What did it ſignify, whether Ceſar or Pompey, Octavius or Antony, was to be the uſurper? There would have been a uſurpation of power inevitably from one ſide or other; armies at a diſtance muſt have had commanders, and it was impoſſible but one or other of theſe generals would make himſelf maſter of the ſtate. The Tribunate contributed nothing, therefore, to this revolution.

In fine, the ſame prancing which the author of the Letters ſet out with, in relation to the Tribunes, was made in 1715, by M. de Chapeaurouge, Counſellor of State, in his Memorial againſt the office of Procurator-general. M. Louis le Fort, who filled that employment with honour to himſelf, ſhewed him, in an elegant letter, in anſwer to his memorial, that the credit and authority of the Tribunes had been the ſafety of the commonwealth, and that its ruin did not proceed from them, but from the Conſuls. Certainly, M Le Fort little thought by whom this opinion would have been revived in our days, which he had ſo well refuted.

* See the Social Compact, book i. chap. 5. I believe there may be found in this chapter, which is a ſhort one, ſome good maxims on this ſubject.

been

been eſtabliſhed, the bounds that ſhould have confined it, and how this might have been performed. Theſe rules were very ill obſerved at Rome; yet you ſee what great actions were done under the Tribunate, with all its abuſes. What would it not have executed, if it had been directed by a proper regulation? I can find nothing here conformable to the ſentiments of this author, and to draw a concluſion againſt him, I ſhould have choſen the ſame example.

But there is no neceſſity for theſe far-fetched, though illuſtrious inſtances; ſo haughtily invidious in themſelves, and ſo apt to deceive us in the application. Let us not forge our own chains, by drawing parallels ſo flattering to our vanity. Too contemptible for compariſon, be ſatisfied, and blind not yourſelves by reflecting on your own importance. The people of antiquity are not proper models of modern policy. The difference is great in all reſpects. But above all, Do you people of Geneva keep yourſelves within your own ſphere, and mind not thoſe elevated objects that are ſet before your eyes in order to dazzle, and conceal from you the dark pit that is digging for you. You are neither Romans nor Spartans; you are not even Athenians. Forget thoſe illuſtrious names, which are very unſuitable to your ſtate, territory, or power. You are but merchants, mechanicks, burghers, always buſied about your private intereſt and concerns, your labour, and the means of providing for the neceſſities of life. People, to whom liberty itſelf can contribute nothing more than an aſſurance of gaining

them without impediment, and poſſeſſing them without moleſtation.

This ſituation requires other maxims. As you lead more active lives than the people of antiquity, you have not the ſame leiſure for a particular application to the art of government. But even in caſe you were to take the pains of watching over the conſtitution, it would be neceſſary it ſhould be conſtructed in a manner more ſuitable to your capacities, where you might perceive the different operations, and provide againſt the abuſes. Every office you are obliged to undertake for the publick ſervice, ſhould be rendered ſo much the more eaſy to diſcharge, as it is a trouble which puts you to expence, and in which you do not engage as volunteers; for to deſire an intire manumiſſion from every burden, is to wiſh to be no longer free. We muſt take our choice, ſaid the beneficent philoſopher, and let thoſe who are not able to bear the fatigue, ſeek their eaſe in retirement and ſervitude.

A reſtleſs, idle, and factious people, who, for want of particular employment, are always ready to meddle in affairs, ought, doubtleſs, to be reſtrained. But, once more, Are the people of Geneva ſuch? Nothing can be more oppoſite. They are their very antipodes. Your citizens, quite immerſed in their occupations and domeſtick cares, and beſides, of no enterprizing diſpoſitions, never dream of the publick intereſt but when their own is attacked. Too careleſs to enquire into the conduct of their Chiefs, they ſee not the chains that are prepared for them, till they feel their weight. Always fixed

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on other objects, they ſuffer themſelves to be impoſed on in matters of greateſt moment, and are ever in ſearch for the remedy, becauſe they are incapable of preventing the evil. By endeavouring to gain their point, they are always too late for ſucceſs. They would have been often deſtroyed by their lethargick ſlowneſs, if the impetuoſity of the magiſtrate had not rouzed them; and even when the ſame oppreſſive power has been exerted, to which the magiſtracy ſo much aſpire, they were never appriſed of the danger.

Look into the hiſtory of your government, and you will ſee the Council eager in its purſuits, and often diſappointed by making too much haſte to accompliſh them, and the Burgeſſes retracting an affair which they ſuffered to be done without the leaſt oppoſition.

In 1570 the State was loaded with debts, and laboured under many calamities. As it was very inconvenient at this time to aſſemble the General Council, it was propoſed to give authority to the Councils to provide for the preſent neceſſities, which was agreed to. From thence they arrogated the power of levying taxes, and for more than a century they have been permitted to lay impoſts on the people without any oppoſition.

In 1714 they projected, for ſome ſecret ends*, the monſtrous and ridiculous deſign of adding fortifications to the city, without the advice of the General Council, and contrary to the expreſs words of the Edicts. In conſequence of this fine undertaking, they eſtabliſhed taxes for

* This has been ſpoken of before.

ten years, without any subsequent act to confirm what they had done. Some complaints arose, they despised them, yet all was silent.

In 1725 the term of the imposts expired. The question was to prolong them. This was the lazy minute of the Burgesses, though so necessary to reclaim their long neglected right. But the plague being at Marseilles, and the Royal Bank having their trade, every one, concerned for his private fortune, disregarded the dangers to which his liberty was exposed. The Council, ever attentive to its interest, obtained a renewal of the taxes in the Council of Two-hundred, with the participation of the General Council.

When the second term expired, the Citizens opened their eyes, and reclaimed their right all at once, after a lethargic inattention for an hundred and sixty years. But the magistracy, instead of temporizing, or giving up the point, entered into a conspiracy. The plot was discovered *, the burghers were obliged to arm themselves, and by this desperate attempt the Council left, in one instant, an age of usurpation.

* The design was, to form a kind of citadel round the eminence on which the Town-house stands, and thereby to inslave the people. The timber prepared for the work, a plan of disjositions for garrisoning it, the orders given in consequence to the Captains of the garrison, the conveyance of ammunition and arms from the arsenal to the town-house, the spiking of twenty two pieces of cannon in a distant fortress, the clandestine removal of several others, in a word, all the preparations for the most violent enterprize, carried on without the knowledge of the Councils, by the Syndic

Scarce was every thing ſeemingly pacified, but not being pleaſed with their defeat, they formed a new conſpiracy. The Burgeſſes ran again to their arms, the neighbouring powers interpoſed their good offices, and their mutual rights were finally ſettled.

In 1650 the inferior Councils introduced into their body a method of collecting the votes; better, indeed, than the ancient cuſtom, but not conformable to the Edicts. They ſtill continue in the General Council to follow the eſtabliſhed rule, into which many abuſes are crept, and this has laſted upwards of fifty years before the citizens thought either of complaining of the innovation, or demanding to have the ſame eſtabliſhed in that Council, of which they are members. They at laſt demanded it, and, what is incredible, they were coolly oppoſed by a quotation of the ſame edict, which the magiſtrates themſelves have violated for above fifty years.

In 1707 a citizen was tried in a clandeſtine manner, contrary to law, condemned, and afterwards ſhot in the priſon; another was hanged, on the ſole teſtimony of a falſe witneſs,

Syndic of the Guard, and other magiſtrates, were not ſufficient, when diſcovered, to obtain any proceedings againſt the guilty, nor even to occaſion an improvement of the project. And yet the Burgeſſes, being maſters of the place, let them peaceably depart without diſturbing their retreat, ſhewing them the leaſt inſult, entering their houſes, diſquieting their families, or taking any thing that belonged to them. In any other country, the people would have begun with maſſacring the conſpirators, and pillaging their houſes.

known to be such; another found dead. All this passed unheeded, and never was once spoken of till 1734, when somebody took it in their heads to enquire of the magistrate, what was become of the citizen that had been shot in prison, thirty years before?

In 1736 they established Criminal Courts without Syndics. In the midst of the distractions which prevailed at that time, the citizens were too much taken up with their own affairs to have an eye to every thing at once. In 1758 they repeat the same stroke of policy: those who were affected by this complaint are silenced by authority, and all is over. They renewed, in 1762, the same proceedings *. The citizens again complain the year after; the Council answered, You come too late, the custom is already established.

* This was a state inquisition, enough to make one shudder. Can it be imagined that, in a country of liberty, they can punish a citizen as a criminal, for only having written a letter to another citizen, in decent terms, with respect to the conduct of the magistrate, in the case of a third citizen? Do you find such instances in the most arbitrary governments? At the time of M. de Silhouette's retreat, I wrote him a letter, which spread all over Paris. This was a piece of boldness, for which I was certainly to blame, and is perhaps the only reprehensible thing I ever wrote: yet they never took notice of it. They punish libels in France, they do very right: but they permit private persons to reason on publick affairs, provided it is done without bitterness, or invective. After my long affection to a republican government, must I now, in my old age, change my sentiments, and find more liberty in a monarchy than in our Republicks?

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In June 1762, a citizen, who had incurred the displeasure of the Council, was dishonoured by a censure on his writings, and himself personally condemned, contrary to a solemn edict. His friends, astonished, demand, by a petition, to have the sentence communicated, which was refused, and all was silent. A year after this affair, the dishonoured citizen, seeing that no protest was entered in his favour, resigned his freedom of the city. The burghers, at last, complained against the violence, but it was too late.

A more remarkable affair was that of the Sieur Bardin, though of a trifling nature. A bookseller sends his correspondent the copies of a book just published. Before the arrival of the copies, the book is ordered to be suppressed. The bookseller goes to the magistrate, shews his commission, and desires to know how he shall act: the magistrate orders him to acquaint him as soon as they arrive; they come, he acquaints the magistrate, the books are seized, he waits, either to have them returned, or the value; the books are detained, without giving any satisfaction. He presents a petition, praying that the books may be sent back, given to himself, or payed for. All is refused, the man lost his books, and these are the persons appointed to punish robbery, who have committed it themselves in this instance.

If we consider this matter, with all its circumstances, I doubt if we can find such another case in any Parliament, Senate, Council, or in any Divan or Tribunal whatever. If they had intended to have stabbed property without

reaſon or colour, even in its vitals, they could not have taken a more open and bareſaced method. Yet the affair is over, every body is ſilent, and if it had not ſome grievances of a ſerious nature, it would never have been mentioned. How many other affairs have been ſmothered, for want of opportunities of bringing them in evidence?

If the example I have quoted ſeems too trifling, I ſhall give another of a different nature. A little attention, Sir, if you pleaſe, and I ſhall ſpare all that might be added to the account.

At a Council held the 20th of November, 1763, for the election of a Lieutenant and Treaſurer, the citizens took notice of a difference between the printed edict they had themſelves, and one in writing, which was read by a Secretary of State. In the firſt, the election of a Treaſurer ſhould be made at the ſame time with that of the Syndics, and by the ſecond, together with the Lieutenant. They remarked beſides, that the edict enjoins that the Treaſurer ſhould be elected every three years; yet by the cuſtom they had eſtabliſhed, he was continued for ſix, and at the expiration of three years they only confirmed the election of him that was in office.

This diverſity in the text of the law, with reſpect to the printed edict and that in manuſcript, read by the Secretary, which had not been obſerved before, gave an occaſion of taking notice of others, which made them uneaſy for the reſt of the edicts. Notwithſtanding the frequent experience of the citizens, of

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the little attention paid to their remonſtrances, however juſt, they renewed them on this occaſion, requiring that the original text of the edicts ſhould be depoſited in the Chancery, or in ſome other place of record, at the choice of the Council, where they might have an opportunity of comparing that text with the printed copy.

You may recollect, Sir, that in the forty-ſecond article of the edict of 1738, it was ordered, that a general code of the laws of the ſtate ſhould be printed with expedition, which ſhould contain all the edicts and regulations: for twenty-ſix years that has laid dormant; nor have the citizens thought proper to take notice of ſo extraordinary an omiſſion during that period *.

You may alſo remember that in a memorial printed in 1745, an exiled member of the Council of Two-hundred, gave ſtrong intimations of want of veracity in the edicts printed in 1713, and reprinted in 1735, as equally liable to be ſuſpected of colluſion. He ſaid, he had

* What excuſe, or apology, could be made, to ſcreen the omiſſion of ſo important and peremptory an order? I cannot for my part, conceive. When one mentions the ſubject in converſation, to any of the magiſtrates, they anſwer coldly, *every particular edict is printed, you may collect them.* As if one could be certain that all were printed, or as if a collection of theſe ſcraps could form a compleat body of laws. A general Code, authenticated in the manner preſcribed by the 42d Article. Is it thus theſe gentlemen fulfil an engagement of ſo ſolemn a nature? What dangerous conſequences may not proceed from ſuch intended omiſſions?

compared the printed with the manuſcript edicts, in which he found a multitude of errors, which he noted; and he mentions the particular words of an edict in 1556, which are intirely omitted in the printed copy. The Council gave no anſwer to theſe heavy imputations, and the citizens have held their peace ever ſince.

Suppoſe if you will that the dignity of the Council would not permit their making a reply immediately to the imputations of an exiled member; yet that very dignity, the reflection caſt on their honour, and the ſuſpicion of their probity, required a juſtification equivalent to the charge, which theſe proofs made neceſſary, and which the injured publick had a right to obtain.

But no acknowledgment or juſtification ever appeared. The petty Council alledged, that they had a right to make the alteration in the edict beforementioned, by virtue of an ancient cuſtom, which, as the general Council did not oppoſe at the beginning, they had no power afterwards of reſtraining.

It accounts for the difference between the manuſcript in the hands of the Council and the printed copy, by making that manuſcript a collection of edicts, with the changes introduced by practice, and aſſented to by the ſilence of the general Council; and the printed copy but a collection of the ſame edicts, exactly as they paſſed in the general Council, without any alteration.

It juſtifies the confirmation of the Treaſurer, contrary to the edict, which ordains, that another ſhould be elected at the end of three years, by again alledging an ancient cuſtom. The citizens cannot complain of an

infraction

infraction of any edict, which the Council doth not juſtify by retorting a prior infraction on the citizens: they can never preſent a remonſtrance which it doth not reject, always reproaching them with being too late in their application.

As to the remonſtrance, which requeſted a communication of the original text of the laws, it was abſolutely rejected *, as being contrary to the rules, or becauſe the citizens and burghers ought to know no other text of the laws but what was in the printed copy, although the petty Council makes uſe of another,

* Theſe refuſals, ſo cruel and peremptory, of the moſt reaſonable and juſt requeſts, appear very unnatural. Is it credible that the Council of Geneva, compoſed, for the moſt part, of judicious and ſenſible men, ſhould not have perceived how deteſtable and even terrifying it muſt be, to reject the complaints of freemen, members of their legiſlature, and refuſe them a communication of the original text of the laws, and by that means foment the ſuſpicions raiſed by that air of myſtery and darkneſs, with which it is always veiled from their eyes. For my part, I am inclined to think theſe refuſals irkſome to them; but they have made a rule, in order to diſcourage the uſe of Remonſtrances, by returning negative anſwers. Can it really be preſumed, that the moſt patient people on earth will not be wearied with ſtill aſking what they can never obtain, and which is conſtantly refuſed them? Beſides, conſider the motion made before, in the Council of Two-hundred, to have informations ready againſt the authors of the laſt Remonſtrances, for only uſing a right the law gave them. Who, therefore, would expoſe himſelf to a proſecution, for taking a ſtep that he knows, before hand, will be unſucceſsful? If that be the plan adopted by the petty Council, it muſt be confeſſed, they are indefatigable in purſuing it,

which

which it has also introduced into the general Council *.

It is, therefore, against their rules, that one who has passed an act, should have a sight of the original of that act, lest the variation in the copies should make him suspect error or falsification; but is it not contrary to the rule, that there should be two different texts of the same law, one for the people, and another for the government! Have you ever heard any thing like it? And yet, with all these late discoveries and disgusting refusals, the citizens, cheated out of their legal demands, are silent, and remain in patient tranquillity.

These, Sir, are facts of notoriety in your city, and which you know much better than I can pretend; I could add many other instances besides what have escaped my memory. These will suffice to form a judgment, whether the burgesses of Geneva ever were, I do not say turbulent and seditious, but even vigilant, attentive to their interests, or easily moved to defend their rights and privileges, the best established and the most openly invaded.

We are told, *that an alert and ingenious people, who have a great capacity for politics, and who are constantly employed in taking care of their constitutional rights, should necessarily confer a negative power on their rulers* †. To explain this negative power, we must agree on some certain

* Extract from the Registers of the Council, of 7th December, 1763; in answer to the verbal Representation made on the 21st of November, by six citizens, or burghers.

† Page 120.

principle;

principle; but is the application properly suited to you. Have they forgot the character they have elsewhere given of you, as having more indolence by nature than other nations *? And how can they say that the people of Geneva are much concerned for their political rights, when it is plain they never stir till it is too late, with great reluctance, and only in cases of the most imminent danger.

So that by forbearing to attack the rights of the burgesses with so much violence, it would always depend on the Council, to prevent their contesting for the future.

Let us draw a comparison between the two parties, in order to form a judgment, which is most dangerous from its activity, and where the negative right should be placed to temper that activity.

On the one hand, I find a people not very numerous, of a peaceable and indolent disposition, laborious, lovers of gain, submissive, for their own interests, to the laws and magistrates, intirely taken up with their trades and business; all equal as to their rights, and not much distinguished by difference of fortune, having amongst them neither chiefs nor dependents; all held by their commerce, by their condition, by their fortune, in great dependence on their magistrates, whom they must take care to oblige; all afraid of giving them offence; if ever they mind publick affairs, it is always to their prejudice. Engaged, on one hand, by their more interesting family concerns; on the other, prevented by considerations of prudence,

* Page 154.

by

by repeated experience, whith convinces them that in a ſmall ſtate like yours, where every thing is perpetually obſerved by the Council, it muſt be dangerous to offend them; they are compelled, by the moſt forcible reaſons, to ſacrifice every thing to peace, for by that only they can hope to ſucceed; and in this ſituation of affairs, every one, engaged by his own intereſt, would chooſe rather to be protected than free, and makes his court, in order to make his fortune.

I find, on the other hand, in a ſmall city, whoſe affairs at bottom are not of much conſequence, a body of magiſtrates perpetual and independent, very much at leiſure by their ſituation in life, ſtill occupied in an intereſt of greateſt moment, and very natural to perſons in command, which is to aggrandize their empire; for ambition, like avarice, is nouriſhed by its opportunities of advantage; and the more extenſive their power, the more they are devoured by an inſatiable thirſt of being greater. Always attentive to remark the inſenſible diſtance between themſelves and their equals in birth, they look on them as inferiors, and long earneſtly to make them ſubjects. Armed with the whole force of the ſtate, depoſitary of all authority, their body is the ſole interpreter and diſpenſer of thoſe laws that confine it; it is provided with ſuch arms, offenſive and defenſive, as render it formidable and reſpectable to all that would offer to inſult it. It tranſgreſſes the law, even in the name of the law, with impunity; it has the power of attacking the conſtitution, by feigning to defend it; and it

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can treat as a rebel, whoever dare defend it in reality. All the enterprizes of such a body become easy; it never gives any person a right of either knowing, or preventing its designs; it can act, defer, or suspend; it can seduce, terrify, and punish all who oppose it; and if it ever condescends to make use of pretences, that is more for decency than necessity. It has, therefore, the will to extend its power, and the means of arriving at the end of its desires. Such is the relative state of the petty Council, and the Burgesses of Geneva. Which ought to have the negative right to curb the ambition of the other? The author of the Letters affirms it to be the former.

In most governments their intestine troubles proceed from an ignorant and brutish populace, heated by insupportable grievances, secretly conspiring by means of dextrous incendiaries, invested with the appearance of some authority they would endeavour to extend. But can any thing be more false than such an application to the Burghers of Geneva? at least with respect to arming themselves for the defence of the laws. At all times, that has been the practice of the middle rank, between the rich and poor, between the principals of the state and the populace. That order, composed of persons near equal in fortune, in condition, and understanding, is neither so high as to form pretensions, nor so low as to have nothing to lose. Their great and common interest is, to see that the laws be observed, the magistrates respected, that the constitution be supported, and the state in tranquillity. No

person

perſon of that order poſſeſſes ſuch ſuperiority over the reſt, as to have it in his power to ſport with the reſt, for his private intereſt. This is the ſoundeſt part of the commonwealth, and the only one whoſe conduct, we may be certain, propoſes nothing for its object but the good of the whole. Thus we may always obſerve, in their ordinary proceedings, a decency, a moderation, and a becoming fortitude, a certain air of gravity, which they receive from a conſciouſneſs of being in the right, and which retains them in their duty. Behold, on the contrary, how the other part of the people are ſupported; people who abound in wealth on the one hand, and the moſt abject and low on the other. Is it in theſe extremes, where the one doth his utmoſt to buy, and the other to ſell himſelf, that we are to expect the love of juſtice and the laws? They are the cauſes of the ſtate's degeneracy. The rich have the law in their pockets, and the poor chuſe bread rather than liberty. It is ſufficient to compare theſe oppoſite orders, to form a judgment which of them would make the firſt attack on the conſtitution. Look into your hiſtory, and you will find, whether all conſpiracies have not taken their riſe from the magiſtracy; and whether the citizens had ever recourſe to violence, but when it was abſolutely neceſſary for their own preſervation?

No doubt they railly you, when, in conſequence of the right claimed by your fellow-citizens, they repreſent the ſtate as a prey to cabal, ſeduction, and the firſt comer. The negative right, aſſumed by the Council, was unknown

known till now. What evils hath it not produced? Dreadful would have been the conſequence if it had obſtinately inſiſted on that right, when the burgeſſes ſo well ſupported theirs. Retort their own argument, which they draw from two hundred years of proſperity: What can they anſwer? This government, you may ſay, firmly eſtabliſhed by time, ſupported by ſo many titles, authorized by ſo long a preſcription, rendered venerable by its ſucceſſes, and in which the Council's negative right was altogether unknown, is it not preferable to our once arbitrary government, of which we ſtill know not either the properties, or what analogy it bore to our happineſs, and wherein our reaſon could point out nothing but the weight of our miſeries?

To ſuppoſe that all the abuſes proceed from the adverſe party, and that they themſelves have none, is a very mean and trite piece of ſophiſtry, of which every ſenſible perſon ſhould be aware. We ought to ſuppoſe that abuſes are common to both, as they imperceptibly inſinuate themſelves every where. But that is not ſaying that their conſequences are the ſame. Every abuſe is an evil, often unavoidable, and for which it would not be always proper to adminiſter a remedy. But compare them, and you will find them on one ſide, certain and terrible evils, without bounds and without end; on the other ſide, the abuſe, though really hard to be borne, yet, if it be very great, will often paſs over, and is of ſuch a nature, as that, if there be opportunity, it always brings its remedy. For, once more I

ſay,

ſay, there is no poſſibility of enjoying liberty, but by the obſervation of the laws, or the general conſent of the community to which we belong; and it is no more the inclination of the general conſent to hurt us, than it is in our will to injure ourſelves. But ſuppoſe the abuſe of liberty to be as natural as the abuſe of power, yet there will always be this difference between them, that the abuſe of liberty turns to the prejudice of him that abuſes it, and the puniſhment he feels from the wrong he has done to himſelf, compells him to ſeek a remedy; ſo the diſorder in that caſe is but a criſis, which is not permanent: on the other hand, the abuſe of power not turning to the prejudice of the powerful, but of the weak, is by its very nature without meaſure, reſtraint, or limits; and never ends, but in the deſtruction of him alone who feels its oppreſſion. Let us admit, that the government ſhould be adminiſtred by a few, but the inſpection of that government belongs to many; and if the abuſe is inevitable on all ſides, it is much more reaſonable the people ſhould be miſerable thro' their own fault, than that they ſhould be undone by the hands of another.

The firſt and greateſt publick intereſt is juſtice. All would wiſh the conditions equal for all, and juſtice is nothing but that equality. The citizen wants only the laws and the obſervance of them. Each individual among the people very well knows, that if there be any exceptions, they will not be made in his favour: ſo that every one is afraid of the exceptions; and he that fears the exceptions regards

gards the law. Among the principals the caſe is different; even their condition gives a preference, and they look every where for it *. If they would have laws, it is not to obey, but to diſpenſe them. They would have laws, to put themſelves in their ſtead, and to make themſelves feared in their name. Every thing favours them in this project. They uſe the rights that belong to them, to uſurp, without danger, thoſe that do not. As they always ſpeak in the name of the law, even when they tranſgreſs it moſt, whoever dare take its part againſt them, is a ſower of ſedition and a rebel; he deſerves death: and as to them, ſtill certain of acting, in all their enterprizes, with impunity, the worſt that can happen is a diſappointment. If they have need of ſupport, they find it every where. The powerful have a natural alliance with each other; and the weakneſs of the poor conſiſts in not having the advantage of ſuch a combination. Thus it is the lot of the people to have always intereſted parties for judges. Happy, if they can find them ſufficiently equitable to protect them, contrary to their own maxims, contrary to that

* Juſtice in the people, is a virtue of the ſtate; oppreſſion and tyranny in the Chiefs, is a vice alſo of the ſtate. If we that are but private perſons, were in their ſituation, we ſhould become, like them, violent and unjuſt uſurpers. When, therefore, magiſtrates preach up their integrity, their moderation, and their juſtice, they deceive us, if by that means they would gain a confidence which we do not owe them: Not but that they may be endowed perſonally with the virtues they ſo much boaſt: But then they make an exception, which is what the law ought not to regard.

ſenti-

ſentiment, ſo deeply engraved on the human heart, to love and favour thoſe intereſts that have a reſemblance to our own. You have once experienced that advantage, which was more than you had reaſon to hope. When the Mediation was received, they believed you undone: but you were happy in having defenders of ſenſe and fortitude, honeſt and generous Mediators: you ſaw the triumph of juſtice and truth. Could you reaſonably expect to be happy twice? You have enjoyed a ſcarce and valuable bleſſing; and at which your oppreſſors are not a little alarmed.

Having laid before you all the imaginary evils of a right as ancient as your conſtitution, and which has never been productive of any ill conſequence, they palliate, they deny the miſchiefs of the upſtart right they uſurp, and which are ſenſibly felt at this time. Obliged to confeſs that the government may abuſe that negative right, even to the moſt intolerable tyranny, they inſiſt that that which is come to paſs will never happen, and without any colour change what is every day open to your inſpection, into a bare poſſibility. Nobody will, nobody dare ſay, that the government is not mild and equitable: and obſerve, that this was mentioned in the anſwer to the remonſtrances, wherein they complained of the acts of violence and injuſtice committed by the government. This is what might be called a fine ſtyle: it is like the eloquence of Pericles, who, being thrown by Thucydides at wreſtling, attempted to prove to the ſpectators, that it was himſelf who had overthrown the other.

Thus

Thus by getting poſſeſſion of other people's property, without any pretext whatever, by impriſoning the innocent without cauſe, by diſhonouring a citizen without giving an opportunity of juſtifying himſelf, by condemning another contrary to law, by protecting obſcene books, and burning thoſe that inculcate virtue and liberty, by perſecuting the authors, by concealing the genuine text of the law, by refuſing the people the moſt reaſonable ſatisfaction, by exerciſing the moſt abſolute and ſevere deſpotiſm, by deſtroying that liberty they ought to protect, by cruelly oppreſſing their country, to which they ſhould be nurſing fathers; theſe gentlemen compliment themſelves on the extraordinary juſtice of their determinations; they are in raptures on the mildneſs of their government, and confidently declare, that every body is of their opinion in that point. Yet I very much doubt whether you are of that mind, and am at leaſt certain it is not that of the Remonſtrants.

Let not my own private intereſt render me guilty of injuſtice. It is, of all our foibles, that againſt which I am moſt guarded, and which I hope I have the moſt ſtrenuouſly reſiſted. Your magiſtrates act with probity in matters of indifference, and I believe they are always ſo inclined; their employments are not very lucrative; in their diſpenſation of juſtice they are not venal; they are poſſeſſed of perſonal integrity, are diſintereſted, and I am ſenſible that virtue and uprightneſs are ſtill to be found in that deſpotic Council. In pointing out the conſequences of the negative right, I have told you

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leſs what they will do when become ſovereigns, than what they will continue to do, in order to be ſo. Once recognized as ſuch, it will always be for their intereſt, to practice equity and moderation, and it is now their intereſt to be ſo, as much as poſſible! but woe be to him who has recourſe to the laws, to claim his liberty! All injuſtice becomes lawful againſt thoſe who are ſo unhappy as to demand their right. Virtue, equity, and even intereſt, are of no force, againſt the thirſt of dominion, and he that would be juſt if he were once maſter, will never omit any act of injuſtice, in order to become ſo.

The true way to tyranny is not to make any direct attacks on the public good; that would be to raiſe every body in its defence; but to ruin its moſt zealous advocates one after another, and intimidate whoever dare ſhew any inclination to be ſo. Make every one believe that the publick intereſt is not that of any individual, and ſlavery is directly eſtabliſhed; for when each perſon ſhall paſs under the yoke, where is then the general liberty? If he who durſt open his mouth is immediately ruined, who will be ſo raſh as to follow his example? And who ſhall be the ſpeaker of the publick, when each individual is ſilent? The government, in that caſe, will be ſevere againſt the friends of liberty, and treat others with juſtice and humanity, until it ſhall be in a capacity to be unjuſt to all, with impunity. So that the juſtice it employs is but an œconomy in ſaving that, which to diſſipate would anſwer no purpoſe whatever.

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There is, therefore, one ſenſe in which the Council may be juſt, and in which it ought to be ſo by intereſt. But there is another ſenſe, in which it purſues the ſyſtem of being moſt egregiouſly unjuſt. You may be convinced, from many inſtances, how inſufficient the protection of the laws is againſt the diſpleaſure of the magiſtrate. What will be the conſequence when it ſhall once become abſolute by virtue of the negative right, and will then be no more reſtrained in its meaſures, and find no farther obſtacles to the gratification of its paſſions? In ſo ſmall a ſtate as ours, where nobody can conceal themſelves in the crowd, will not every perſon then live in conſtant fear, and will he not be ſenſible, all his life, of the miſery of being tyrannized over by his equals. In a large community, the individuals are at too great a diſtance from the Prince and the Nobility, to be under their inſpection; their inſignificancy protects them, and if the people pay their taxes, no one moleſts them. But as for you, the leaſt motion makes you feel the weight of your chains. The relations, friends, creatures, and ſpies of your rulers will be more your maſters than they; you neither dare defend your rights, nor claim your property, leſt you ſhould incur their diſpleaſure, and create yourſelves enemies: the moſt obſcure retreat cannot conceal you from the eye of tyranny; you muſt be either its follower or its victim. You will find at once a political and civil ſlavery; you can ſcarce breathe in liberty. Behold, Sir, to what a miſerable condition this negative right will naturally bring you, in the man-

ner it is arrogated by the Council. I believe, indeed, it would not make so dreadful a use of it, but I am sure it might; and the mere certainty of its being capable of injustice with impunity, would be productive of as many evils as if it were so in reality.

I have now set before you the state of your constitution, such as it appears to me, which, taken altogether, may be considered as sound, and by assigning the proper bounds to liberty, it gives it, at the same time, a firm establishment. For as the government has a negative right against the innovations of the legislature, and the people a negative right against the usurpations of the Council, the laws govern throughout the whole: the first man in the state must obey as well as the lowest; nothing is capable of infringing them, no particular interest can change them, and the constitution remains unshaken.

But if, on the contrary, the executors of the law should become its sole arbiters, and make them speak or be silent at their pleasure; if the right of remonstrating, which is the sole guardian of laws and liberty, is but a vain and imaginary right, and can have no necessary effect, I see no slavery equal to yours; and the shadow of liberty is no more with you than a childish and despicable lure, which it is even indecent to offer people of understanding. Of what use then is it to assemble the body of the legislature, when the will of the Council is the only rule of law? Of what use is it to elect magistrates with solemnity, who were before your judges, and who can have no power by

that

that election, which they did not exercise in their former capacity? Resign yourselves at once, with a good grace, and lay aside this childrens play, which, being frivolous, serves but to render you more despicable.

This being the worst state you can arrive at, has still one advantage, that is, its impossibility of changing, but for the better. That is the only consolation in extreme cases; but it is a powerful one, when men of sense and courage feel and know how to make the best of their ill fortune. How resolute should we be, from the certainty of arriving at the worst? But be assured, you will never rise from the abyss into which you are fallen, so long as you are divided, whilst the one part would be willing to act, and the other to sit still.

I am now, Sir, almost come to the conclusion of these Letters; and as I have pointed out to you your present state, I shall not undertake to trace the path you ought to pursue, in order to immerge out of your difficulties. If there be any, you and your fellow citizens are the best judges, as having it immediately before you. When any one knows where he is, and where he should go, he may direct himself without trouble.

It is said by the author of the Letters, *That if a government is observed to have a propensity to violent measures, we should not delay our redress till the tyranny had secured its power* *. He besides supposes a case, which he treats indeed as chimerical, *That one remedy remained, desperate, but legal, which, in case of extremity, might be*

* Page 172.

uſed, as the hand of a ſurgeon when a gangrene appears *. Whether you are, or are not, in that ſuppoſed caſe, is what I have juſt now examined. My advice then is become no longer neceſſary in this point. The author of the Letters has already given it for me. All means of oppoſing injuſtice are lawful, when attended with no violence; how much more are thoſe remedies allowable, which the laws permit.

When the laws are tranſgreſſed in particular inſtances, you have the right of remonſtrance. But when that very right is conteſted, it becomes the caſe of the guaranty. I have not mentioned this as one of the means to give a remonſtrance its due efficacy; the Mediators themſelves did not think proper to do it, as they declared, they would offer no violence to the independence of the ſtate; and at the ſame time, if I may uſe the expreſſion, they put the key of the government in their pockets †. So that in that particular caſe, the effect of remonſtrances being rejected, is to aſſemble a general Council: But the effect of the right of remonſtrating being rejected, ſeems to be a re-

* Page 101.

† The conſequence of ſuch a ſyſtem would have been, to eſtabliſh a Tribunal of the Mediation reſident at Geneva, to enquire into all tranſgreſſions of the laws. This tribunal would have effectually ruined the authority of the Republick, but the liberty of the citizens would have been better ſecured than it could have been, by taking away the right of remonſtrating. Now to be a Sovereign only in name would have been no great matter, but to have liberty in reality is of much importance.

courſe

courſe to the guaranty. Every machine ſhould contain in itſelf the powers to make it work; when it ſtops, we muſt employ the workman to renew its motion.

I know very well where that reſource leads, and my heart has ſtill been ſo patriotick as to bewail the conſequence. I repeat once more, I propoſe nothing. What ſhall I dare ſay? Conſult your fellow-citizens, and before you reckon votes, weigh them well. Always diſtruſt the impetuoſity of youth, the inſolence of the rich, and the venality and corruption of the poor; no wholeſome advice can ever proceed from that quarter. Conſult thoſe, whom an honeſt mediocrity equally guards from the allurements of ambition or the venality of indigence. Thoſe who are bleſſed in an honourable old age, with the happineſs of a life void of reproach. Thoſe who, by long experience, are well verſed in publick affairs; thoſe who, deſpiſing the falſe luſtre of ambition, chooſe no higher rank but that of citizens; laſtly, thoſe who, having had no other views but the good of their country and the ſupport of the laws, have juſtly deſerved the eſteem of the publick, and the confidence of their equals.

But above all things be united among yourſelves. You are undone without remedy, if you continue divided. Why are you ſo, when ſo great a general intereſt naturally unites you? How, in ſuch a critical ſituation, can the voice of a ſordid jealouſy, and trifling paſſions ever be heard? Are they worth enjoying at ſo dear a price? and muſt your children, one day, weep

weep over their chains, and ſay, This is the effect of the unhappy diſſentions of our fathers! In a word, you have more need of concord than conſultation: the choice you make with reſpect to your conduct, is not hard to determine. Suppoſe you ſhould make a bad choice, take it unanimouſly; by that means only it will become the beſt, and you will always do as you ſhould, when you act by one conſent. This, Sir, is my advice, and I conclude juſt as I began. By my obedience to your commands, I have diſcharged the laſt duty I owe my country. I now take my farewell of its inhabitants; they can do me no farther injury, and it is no longer in my power to do them any good.

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